



# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, December 4, 2018

6:45 PM

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Receive Healthy Cities Program award from the Santa Clara County Public Health Department recognizing the City of Cupertino for its work to support healthy commutes and encourage the use of active forms of transportation.  
Recommended Action: Receive Healthy Cities Program award from the Santa Clara County Public Health Department recognizing the City of Cupertino for its work to support healthy commutes and encourage the use of active forms of transportation.
2. Subject: Proclamation to Dynasty Restaurant in Cupertino to recognize the dining establishment's work in Cupertino, from its opening in March 2004 to its being closed in December 2018, as a valued community gathering space welcoming large groups and patrons from all areas and spectrums of our demographics  
Recommended Action: Present proclamation to Dynasty Restaurant in Cupertino to recognize the dining establishment's work in Cupertino, from its opening in March 2004 to its being closed in December 2018, as a valued community gathering space welcoming large groups and patrons from all areas and spectrums of our demographics
3. Subject: Presentation of Certificates of Recognition for Cupertino Science Fair winners who participated in the Synopsys Championship  
Recommended Action: Certificates of Recognition for Cupertino Science Fair winners who participated in the Synopsys Championship

#### 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 November 20 City Council minutes  
Recommended Action: Approve the November 20 City Council minutes  
[A - Draft Minutes](#)
5. Subject: Resignation of Planning Commissioner Jerry Liu and consolidation of unscheduled vacancy recruitment with the annual recruitment of all commission and committee members' terms expiring January 30, 2019  
Recommended Action: Accept resignation of Planning Commissioner Jerry Liu and direct staff to fill the unscheduled (partial) vacancy with the annual recruitment of all commission and committee members' terms expiring January 30, 2019  
[Staff Report](#)  
[A - Jerry Liu Resignation](#)  
[B - Special Notice of Vacancy](#)  
[C - Local Appointments List and Notice of Vacancies for 2019](#)
6. Subject: Approval of Contract Change Order No. 1 for the McClellan Road Separated Bikeway Phase 1A Project (No. 2017-01.04)  
Recommended Action: 1. Approve Contract Change Order No. 1 for the McClellan Road Separated Bikeway Phase 1A Project in the amount of One Hundred Twenty Thousand Dollars (\$120,000); and  
2. Authorize an increase in the construction contingency from \$182,000 to \$302,000. The additional \$120,000 in the construction contingency will fund Contract Change Order No. 1, which will allow for the project start date to be postponed to May 2019.  
[Staff Report](#)

## **SECOND READING OF ORDINANCES**

7. Subject: Second Reading of Ordinances Regarding City Commissions and Recommendations for Improving Effectiveness and Communications with the City Council

Recommended Action: 1. Conduct the second reading and enact Ordinance No. 18-2180: “An Ordinance of the Cupertino City Council Amending the Cupertino Municipal Code, Title 2, to Update, Clarify, and Improve Consistency in Various Provisions Pertaining to City Commissions.” The first reading was conducted on November 20 and there were no substantive changes to the ordinance requested by Council.

2. Conduct the second reading and enact Ordinance No. 18-2181: “An Ordinance of the Cupertino City Council Adding Chapter 2.95 to the Cupertino Municipal Code, Title 2, to Establish the Teen Commission by Ordinance.” The first reading was conducted on November 20 and there were no changes to the ordinance.

3. Conduct the second reading and enact Ordinance No. 18-2182: “An Ordinance of the Cupertino City Council Repealing Ordinance No. 006 and Amending Chapter 2.08 of the Cupertino Municipal Code Regarding Adoption of Robert’s Rules of Order.” The first reading was conducted on November 20 and there were no changes to the ordinance.

[Staff Report](#)

[A - Draft Ordinance No. 18-2180](#)

[B - Redline of labeling added to Ordinance No. 18-2180](#)

[C - Draft Ordinance No. 18-2181](#)

[D- Draft Ordinance No. 18-2182](#)

## **PUBLIC HEARINGS**

8. Subject: Vacate an Easement for Storm Drain Retention Basin Purposes located on 23500 Cristo Rey Drive

Recommended Action: Conduct a public hearing and adopt Resolution No. 18-116 to vacate an easement for storm drain retention basin purposes located on 23500 Cristo Rey Drive

[Staff Report](#)

[A – Storm Drain Retention Basin Easement Area](#)

[B – New Storm Drain Easement](#)

[C - Draft Resolution](#)

## **ORDINANCES AND ACTION ITEMS**

## **REPORTS BY COUNCIL AND STAFF**

9. 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.*