



# **CITY OF CUPERTINO**

## **AGENDA**

### **CITY COUNCIL**

**10300 Torre Avenue and 10350 Torre Avenue**

**Tuesday, July 31, 2018**

**5:00 PM**

**Special Meeting Non-televised Closed Session (5:00) and Televised Open Session (immediately following Closed Session)**

### **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 31, 2018, commencing at 5:00 p.m. for a Closed Session in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California 95014 and an Open Session immediately following in Community Hall Council Chamber, 10350 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."

### **SPECIAL MEETING**

#### **ROLL CALL - 5:00 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  
(Continued from July 3)

**OPEN SESSION - Immediately following Closed Session**  
**Community Hall Council Chamber, 10350 Torre Avenue**

#### **ROLL CALL**

**PLEDGE OF ALLEGIANCE****CEREMONIAL MATTERS AND PRESENTATIONS**

2. Subject: Presentation from Citizens' Climate Lobby  
Recommended Action: Receive presentation from Citizens' Climate Lobby
3. Subject: Presentation from the Toyokawa Sister City Committee regarding recent delegation  
Recommended Action: Receive presentation from the Toyokawa Sister City Committee regarding recent delegation

**POSTPONEMENTS****ORDINANCES AND ACTION ITEMS**

4. Subject: Hearing to approve assessment of fees on private parcels for the annual weed abatement program  
Recommended Action: Conduct hearing and adopt Resolution No. 18-069 providing for lien assessments and collection resulting from the abatement of public nuisances and potential fire hazards (weeds on private parcels)  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Exhibit A1 Assessment Report](#)  
[C - Adopted Resolution No. 18-008 Ordering Abatement](#)

5. Subject: Proposed measure to restructure Cupertino's basic business license tax from a tax based on square footage to a tax based on employee count
- Recommended Action: Take action to approve submission to the voters of a measure to amend the City's business license tax or defer the measure and provide further direction to staff. Council can take the following actions:
- A. (1) Adopt Resolution No. 18-070, "A Resolution of the City Council of the City of Cupertino ordering the submission to the qualified electors of the City a measure to amend the business license tax at the Tuesday, November 6, 2018 general election called by Resolution No. 18-054, and providing for written arguments regarding the measure and directing the City Attorney to prepare an impartial analysis"; and (2) submit to voters at the November 6, 2018 General Municipal Election "An Ordinance of the people of the City of Cupertino amending Chapter 5.04 of the Cupertino Municipal Code regarding business license taxes, fees, and charges;" or
- B. Defer placing the business license tax measure to the November 2020 election and direct staff to undertake further study and continue working with stakeholders on preparing a transportation spending plan and draft business license tax measure.
- [Staff Report](#)
- [A - Draft resolution](#)
- [B - Draft Ordinance](#)
- [C - Redlined draft ordinance](#)
- [D - Sample resolution on spending priorities](#)
- [E - Scientific voter polls](#)

## STUDY SESSION

6. Subject: Study session to explore consolidation of Senior Citizen, Library, and Safety issues into Parks & Recreation Commission
- Recommended Action: Provide staff direction on structure and management of City commissions
- [Staff 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.*

## REPORTS BY COUNCIL AND STAFF

## 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.*