



**CUPERTINO**

# **CITY OF CUPERTINO**

## **AGENDA**

### **CITY COUNCIL**

**10300 Torre Avenue and 10350 Torre Avenue**

**Tuesday, February 5, 2019**

**5:30 PM**

**Non-televised Special Meeting Closed Session (5:30) 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, February 05, 2019, commencing at 5:30 p.m. for a Closed Session 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**

**10300 Torre Avenue, City Hall Conference Room A**

#### **CLOSED SESSION**

- 1. Subject:** Conference with Real Property Negotiators (Government Code Section 54956.8); **Property:** Cupertino Municipal Water System; **Agency Negotiator:** Timm Borden; **Negotiating Parties:** City of Cupertino and San Jose Water Company; **Under Negotiation:** Price Terms for City Leased Asset
- 2. Subject:** Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9

#### **ADJOURNMENT**

#### **REGULAR MEETING**

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

1. Subject: Recognition of Fine Arts Commission Emerging Artists and Young Artists.  
Recommended Action: Present awards to winners
2. 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****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.*

3. Subject: Approve the January 15 City Council minutes  
Recommended Action: Approve the January 15 City Council minutes  
[A - Draft Minutes](#)
4. Subject: Accept Accounts Payable for the period ending November 02, 2018  
Recommended Action: Adopt Resolution No. 19-013 accepting Accounts Payable for the period ending November 02, 2018  
[A – Draft Resolution](#)  
[B – AP Report](#)

5. Subject: Accept Accounts Payable for the period ending November 09, 2018  
Recommended Action: Adopt Resolution No. 19-014 accepting Accounts Payable for the period ending November 09, 2018  
[A – Draft Resolution](#)  
[B – AP Report](#)
6. Subject: Accept Accounts Payable for the period ending November 16, 2018  
Recommended Action: Adopt Resolution No. 19-015 accepting Accounts Payable for the period ending November 16, 2018  
[A – Draft Resolution](#)  
[B – AP Report](#)
7. Subject: Accept Accounts Payable for the period ending November 23, 2018  
Recommended Action: Adopt Resolution No. 19-016 accepting Accounts Payable for the period ending November 23, 2018  
[A – Draft Resolution](#)  
[B – AP Report](#)
8. Subject: Accept Accounts Payable for the period ending November 30, 2018  
Recommended Action: Adopt Resolution No. 19-017 accepting Accounts Payable for the period ending November 30, 2018  
[A – Draft Resolution](#)  
[B – AP Report](#)
9. Subject: Annual adoption of Pension Trust Investment Policy  
Recommended Action: Adopt Resolution No. 19-018 accepting the City Investment Policy for the Pension Trust  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - Pension Investment Policy](#)
10. Subject: Treasurer’s Investment Report for Quarter Ending December 31, 2018  
Recommended Action: Accept the Treasurer’s Investment Report for Quarter Ending December 31, 2018  
[Staff Report](#)  
[A - Investment Portfolio, Wells Fargo Value Comparison Report, Suppler](#)

## SECOND READING OF ORDINANCES

11. Subject: Second reading and enactment of an ordinance to amend regulations in Title 2, Administration and Personnel of the Municipal Code Chapter 2.80, to allow up to five (5) members for the Fine Arts Commission.

Recommended Action: Conduct the second reading and enact Ordinance No. 19-2182: “An Ordinance of the City Council of the City of Cupertino amending regulations in Title 2, Administration and Personnel of the Municipal Code, Chapter 2.80, to allow up to five (5) members for the Fine Arts Commission”

[Staff Report](#)

[A - Draft Ordinance 19-2182](#)

## **PUBLIC HEARINGS**

### **ORDINANCES AND ACTION ITEMS**

12. Subject: Approval of a Legal Services Contract for City Attorney Services with Shute Mihaly and Weinberger.

Recommended Action: 1. Authorize the City Manager to execute an agreement with Shute Mihaly and Weinberger for City Attorney Services in the amount of \$600,000 annually.

2. Approve Budget Modification Number 1819-038 reducing the Administration-City Attorney budget by \$770,889.

[Staff Report](#)

[A – Request for Proposal](#)

[B - Agreement](#)

13. Subject: Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 18-111 (Continued from January 15)

Recommended Action: Note objections and adopt Resolution 19-019 ordering abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 18-111

[Staff Report](#)

[A - Draft Resolution](#)

[B - Weed Abatement Program Commencement Report](#)

[C - Notice to Destroy Weeds and Program Schedule](#)

[D - Approved Resolution No. 18-111](#)

## **STUDY SESSION**

14. Subject: Draft Citywide Parks and Recreation System Master Plan  
Recommended Action: Accept presentation on the Draft Citywide Parks and Recreation System Master Plan ("Master Plan") and provide direction regarding desired revisions.  
[Staff Report](#)  
[A - Input on Draft Master Plan, Bicycle Pedestrian Commission, 01.16.19](#)  
[B - Input on Draft Master Plan, Teen Forum, 01.22.19](#)  
[C - Input on Draft Master Plan, Public Workshop, 01.23.19](#)  
[D - Input on Draft Master Plan, Parks & Rec Comm. Draft Meeting Minutes](#)  
[E - Input on Draft Master Plan, Additional Public Comments, through 01.28.19](#)  
[F - Input on Draft Master Plan, Public Comments Received, 01.29.19 to 02.04.19](#)

### **ORDINANCES AND ACTION ITEMS - Continued**

15. Subject: Possible Formation of a Santa Clara County Regional Housing Needs Allocation (RHNA) subregion allowing the City the option of trading allocation of housing needs among participating entities (continued from January 15).  
Recommended Action: That the City Council  
1. Review the by-laws proposed for the RHNA subregion and  
2. Adopt Resolution No. 19-009 authorizing the City Manager to discuss the formation of a Santa Clara County RHNA subregion and develop a work plan, budget and schedule of actions leading to the formation of a countywide RHNA subregion.  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - SCC RHNA Subregion by-laws](#)  
[C - San Mateo County RHNA Subregion Bylaws 2011](#)  
[D - RHNA subregion overview](#)  
[E - Pros and Cons of RHNA Subregion](#)
16. Subject: Adopt a resolution to approve the Junipero Serra Trail Feasibility Study  
Recommended Action: Adopt Resolution No 19-020 to approve the Junipero Serra Trail Feasibility Study  
[Staff Report](#)  
[A - Junipero Serra Trail Feasibility Study](#)  
[B - Draft Resolution](#)

### **REPORTS BY COUNCIL AND STAFF**

17. 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.*