



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, March 5, 2019

6:00 PM

Non-televised Closed Session (6:00) and Televised Regular Meeting (6:45)

CLOSED SESSION - 6:00 PM

City Hall Conference Room A, 10300 Torre Avenue

1. Subject: Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): one potential case

RECESS

PLEDGE OF ALLEGIANCE - 6:45 PM

Community Hall, 10350 Torre Avenue

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

2. Subject: Proclamation proclaiming March as American Red Cross Month and presentation from the American Red Cross regarding local activities
Recommended Action: Present Proclamation proclaiming March as American Red Cross Month and receive presentation from the American Red Cross regarding local activities
3. Subject: City Attorney presentation on laws governing open meetings and conflicts of interest: the Brown Act and the Political Reform Act.
Recommended Action: Receive City Attorney presentation on laws governing open meetings and conflicts of interest: the Brown Act and the Political Reform Act.

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 February 19 City Council minutes
Recommended Action: Approve the February 19 City Council minutes
[A - Draft Minutes](#)
5. Subject: Planning Commission's recommendation to select Kitty Moore as the Environmental Review Committee representative
Recommended Action: Accept the Planning Commission's recommendation to the Environmental Review Committee
[Staff Report](#)

SECOND READING OF ORDINANCES

ORDINANCES AND ACTION ITEMS

6. Subject: Approve the Mid-Year Financial Report and recommended budget adjustments for Fiscal Year 2018-19
Recommended Action: 1. Accept the City Manager's Mid-Year Financial Report for FY 2018-19
2. Approve Budget Modification 1819-043 for Mid-Year adjustments as described in the Mid-Year Financial Report
3. Adopt Resolution No. 19-021 approving Mid-Year budget adjustments
[Staff Report](#)
[A - Draft Resolution](#)
[B - Mid-Year Financial Report for Fiscal Year 2018-19](#)
[C - Mid-Year Performance Measures](#)
[D - Mid-Year Budget Adjustment Journal](#)

7. Subject: Consider approving the 2019 Clean Water and Storm Protection Fee Report; discussion and consideration of a Resolution declaring the intention to initiate a proceeding to obtain approval of the City's proposed 2019 Clean Water and Storm Protection Fee, which is a property-related fee, approving a fee report, and calling a hearing to consider all protests; discussion and consideration of a Resolution adopting ballot procedures for the 2019 City's Clean Water and Storm Protection Fee.

Recommended Action: 1. Receive and approve the Fee Report for the 2019 Clean Water and Storm Protection Fee; and
2. Adopt Resolution No. 19-022 Initiating a Proceeding to Obtain Approval of the City of Cupertino's 2019 Clean Water and Storm Protection Fee, a property-related fee conforming to Article XIII D, Section 6 of the State Constitution; and
3. Adopt Resolution No. 19-023 Adopting Ballot Procedures for the City of Cupertino 2019 Clean Water and Storm Protection Fee; and
4. Call for a Public Hearing, tentatively scheduled for May 7, 2019, to receive input from the public about the proposed 2019 Clean Water and Storm Protection Fee, and to determine whether there is a majority protest to the proposed fee.

[Staff Report](#)

[A - Fee Report-2019 Clean Storm Water and Protection Fee](#)

[B - Draft Resolution](#)

[C - Draft Resolution](#)

[D - Draft Notice of Public Hearing](#)

8. Subject: Jollyman Park Unfenced Dog Off-Leash Area (DOLA) Trial

Recommended Action: Receive presentation from trial project supporters and provide staff with direction on whether to include the development of a six-month trial of a Dog Off-Leash Area (DOLA) at Jollyman Park on the City Council draft work program for 2019-20.

[Staff Report](#)

[A - Map of Proposed Area for a Dog Off-Lease Area at Jollyman Park.pdf](#)

[B - Jollyman Park Unfenced Dog Off-leash Area Trial Survey.pdf](#)

9. Subject: Cities Association of Santa Clara County Draft Housing Policy Statement

Recommended Action: Accept or Provide Comments to the Cities Association of Santa Clara County Draft Housing Policy Statement

[Staff Report](#)

[A - Cities Association Draft Housing Policy Statement](#)

REPORTS BY COUNCIL AND STAFF

- 10.** 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.