



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, October 15, 2019

6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation by Faria Elementary School Lego Robotics Club 5th Graders regarding transportation solutions and "managing parking at a busy parking lot."
Recommended Action: Presentation by Faria Elementary School Lego Robotics Club 5th Graders regarding transportation solutions and "managing parking at a busy parking lot."

POSTPONEMENTS

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

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 October 1 City Council minutes
Recommended Action: Approve the October 1 City Council minutes
[A - Draft Minutes](#)

4. Subject: Cancel the January 7, 2020 Council meeting
Recommended Action: Cancel the January 7, 2020 Council meeting
[Staff Report](#)
5. Subject: Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3 (Operating Engineers), Appointed (City Attorney and City Manager), Elected Official groups and retired annuitants.
Recommended Action: Adopt Resolution No. 19-126, increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local union No. 3, Appointed, Elected Officials, and retired annuitant groups.
[Staff Report](#)
[Draft Resolution](#)
6. Subject: Accept Accounts Payable for the period ending August 09, 2019
Recommended Action: Adopt Resolution No. 19-127 accepting Accounts Payable for the period ending August 09, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending August 16, 2019
Recommended Action: Adopt Resolution No. 19-128 accepting Accounts Payable for the period ending August 16, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending August 23, 2019
Recommended Action: Adopt Resolution No. 19-129 accepting Accounts Payable for the period ending August 23, 2019
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending August 30, 2019
Recommended Action: Adopt Resolution No. 19-130 accepting Accounts Payable for the period ending August 30, 2019
[A - Draft Resolution](#)
[B - AP Report](#)

10. Subject: Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.
Recommended Action: Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.
[Staff Report](#)
[A – Local Appointments List and Notice of Vacancies](#)
[B – Resolution Governing Recruitment](#)
11. Subject: Authorize City Manager to award contract for Street Sweeping Services, Project No. 2019-101, to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years. No additional budget appropriations are needed at this time.
Recommended Action: Authorize City Manager to award a contract for Street Sweeping Services, Project No. 2019-101 to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years.
[Staff Report](#)
[A - Draft Contract](#)
12. Subject: Consider a Linda Vista Trail Donation Agreement for donation of property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course. No additional budget allocation needed.
Recommended Action: Authorize the City Manager to execute an Agreement for Donation of Real Estate with Richard Lowenthal and Ellen Lowenthal for the Linda Vista Trail property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, and any subsequent documents necessary to acquire the property, consistent with the Agreement.
[Staff Report](#)
[A - Draft Linda Vista Trail Donation Agreement](#)
13. Subject: Master Agreement between the City of Cupertino and HF&H Consultants, LLC, to conduct a rate study of the current franchise agreement and to provide assistance for implementation of a new solid waste, recycling, and compostables/organics franchise agreement. No additional budget appropriations are needed.
Recommended Action: Authorize the City Manager to approve a Master Agreement between the City of Cupertino and HF&H Consultants, LLC, in an amount not-to-exceed \$250,000, for a term ending on January 31, 2022.
[Staff Report](#)
[A - Draft HF&H Master Agreement](#)

SECOND READING OF ORDINANCES**PUBLIC HEARINGS**

14. Subject: Amendment to Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the California Buildings Standards Code and Fire Code as mandated by the State of California and making local exceptions to those standards as warranted.

Recommended Action: 1. Conduct the first reading of Ordinance No. 19-2189: "An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.40, 16.54, and 16.58 and Adding Chapters 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Existing Building Code, Referenced Standards Code, and Green Building Standards Code with certain exceptions, deletions, modifications, additions and amendments"; and

2. Adopt Resolution No. 19-131 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Municipal Code Redline](#)

[C - Draft Resolution](#)

ORDINANCES AND ACTION ITEMS

15. Subject: Update on revised Community Garden Improvements Project at McClellan Ranch Preserve and provide any input. Status update on the investigation of creating community gardens at other parks in the City and provide any input.

Recommended Action: Review the revised design and proposed construction approach for the Community Garden Improvements Project and provide input. Receive status update on the investigation of creating community gardens at other parks in the City and provide any input.

[Staff Report](#)

[A - Proposed Conceptual Layout](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)**COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS****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.