



AMENDED

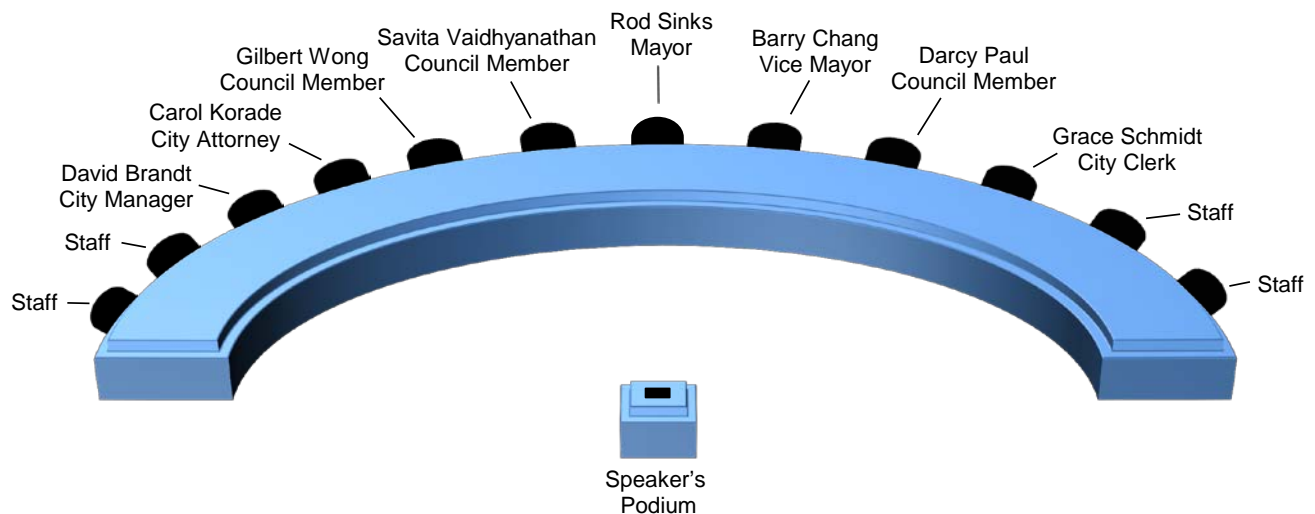
## AGENDA OF THE CITY COUNCIL

**TUESDAY, AUGUST 18, 2015**

**Regular Meeting**

*Non-televised Closed Session 6:00 PM*

*Televised Meeting 6:45 PM*



## COMMUNITY HALL COUNCIL CHAMBER

10350 TORRE AVENUE • CUPERTINO, CA 95014

TELEPHONE: (408) 777-3220 (CITY HALL)

WEBSITE: [www.cupertino.org](http://www.cupertino.org)

### CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from outward expressions of emotions such as cheering or clapping. Such behavior delays the meeting and may intimidate other persons wishing to express alternate views. Loud, unruly outbursts will result in removal from the meeting.

The proceedings of the meeting are recorded on audiotape and videotape; therefore, members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves.

### PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

### COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held in the Council Chamber of the Cupertino Community Hall, 10350 Torre Avenue, at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. Actions taken in closed sessions are not final until acted upon in public session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

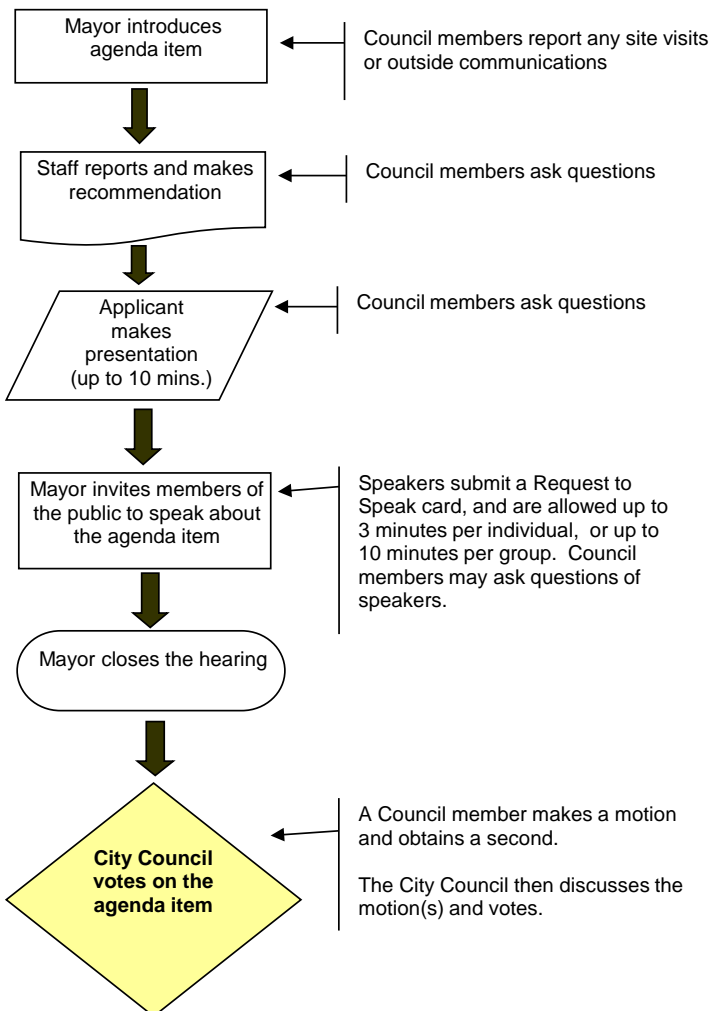
### AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at [www.cupertino.org](http://www.cupertino.org), or you can purchase the items on CD.

### CITY COUNCIL DECISION IS FINAL

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 [www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

### FLOWCHART FOR AGENDA ITEMS:





# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10300 and 10350 Torre Avenue

Tuesday, August 18, 2015

6:00 PM

Non-televised Closed Session (6:00) Followed by Televised Meeting (6:45)

### AMENDED

Amended on 8/13/15 to revise Item No. 13 Staff Report and Recommended Action and Item No. 18 Staff Report, Recommended Action, and Exhibit B; and to add new Item No. 19a.

#### CLOSED SESSION - 6:00 PM

10300 Torre Avenue, City Hall Conference Room A

1. Subject: Workers' Compensation Claim (Gov't Code Section 54956.95).  
Claimant: Russell Polito. Agency Claimed Against: City of Cupertino
2. Subject: Workers' Compensation Claim (Gov't Code Section 54956.95).  
Claimant: Marcos Kubow. Agency Claimed Against: City of Cupertino

#### PLEDGE OF ALLEGIANCE - 6:45 PM

10350 Torre Avenue, Community Hall Council Chamber

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

3. Subject: Present proclamation to the Recreation and Community Services staff thanking them for their service at the 4th of July activities  
Recommended Action: Present proclamation
4. Subject: Presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2015-2016  
Recommended Action: Receive the presentation

#### 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.*

5. Subject: Approve the August 4 City Council minutes  
Recommended Action: Approve the minutes  
[A - Draft Minutes](#)
6. Subject: Accept Accounts Payable for the period ending July 10, 2015  
Recommended Action: Adopt Resolution No. 15-068 accepting Accounts Payable for the period ending July 10, 2015  
[A - Draft Resolution](#)  
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending July 17, 2015  
Recommended Action: Adopt Resolution No. 15-069 accepting Accounts Payable for the period ending July 17, 2015  
[A - Draft Resolution](#)  
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending July 24, 2015  
Recommended Action: Adopt Resolution No. 15-070 accepting Accounts Payable for the period ending July 24, 2015  
[A - Draft Resolution](#)  
[B - AP Report](#)
9. Subject: Accept Accounts Payable for the period ending July 31, 2015  
Recommended Action: Adopt Resolution No. 15-071 accepting Accounts Payable for the period ending July 31, 2015  
[A - Draft Resolution](#)  
[B - AP Report](#)
10. Subject: Accept Accounts Payable for the period ending August 7, 2015  
Recommended Action: Adopt Resolution No. 15-072 accepting Accounts Payable for the period ending August 7, 2015

[A - Draft Resolution](#)

[B - AP Report](#)

11. Subject: League of California Cities Resolution for Sustainable Funding for State and Local Infrastructure  
Recommended Action: Adopt Resolution No. 15-073 urging the state to provide new sustainable funding for state and local transportation infrastructure.  
[Staff Report](#)  
[A - Draft Resolution](#)
12. Subject: Agreement for Consultant Services for the Citywide Parks, Open Space and Recreation Master Plan  
Recommended Action: Authorize the City Manager to negotiate and execute a consultant services agreement for preparation of a Citywide Parks, Open Space and Recreation Master Plan Plan for a fee not to exceed \$375,000 and authorize a contingency allowance subject to approval of the City Manager  
[Staff Report](#)
13. Subject: Civic Center Master Plan Implementation - Master Agreement for Design Consultant Services and Official Intent Resolution  
Recommended Action: 1) Adopt Resolution No. 15-074 to:
- a. Authorize the City Manager to negotiate and execute the Master Agreement for design consultant services with the firm of Perkins+Will for implementation of the Civic Center Master Plan in substantially similar form as presented to Council; and
  - b. Authorize the City Manager to negotiate and execute service orders under the terms of the master agreement for phases of work for which funds have been appropriated, but in no event, in an amount to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000); and
  - c. Authorize the City Manager to negotiate and execute other agreements for professional services to implement the approved Civic Center Master Plan, to the extent that the funds are appropriated for such purposes, with the following terms and conditions:
    - i. for professional services for: building systems engineering, site investigation and engineering, building project/construction management; interim move planning and facilitation, and financial advisory;
    - ii. with a contract term not to exceed two years; and
    - iii. with cumulative compensation not to exceed Two Million Dollars (\$2,000,000).
- 2) Adopt Resolution No. 15-075 declaring its official intent to reimburse itself from the proceeds of debt financing for certain expenditures related to the Civic Center Master Plan Implementation.

[Staff Report](#)[A - Draft Agreement with P+W for Consultant Design Services](#)[B – Draft Resolution Authorizing Agreements and Service Orders Related](#)[C – Draft Official Intent Resolution](#)

14. Subject: Consider approval of the Library Commission’s recommendation of Amanda Williamsen for the appointment of the new Cupertino Poet Laureate  
Recommended Action: Adopt Resolution No. 15-076 approving the Library Commission recommendation and appointing the new Cupertino Poet Laureate  
[Staff Report](#)  
[A - Draft Resolution](#)  
[B - New Poet Laureate Bio](#)
15. Subject: Application for Alcoholic Beverage License for Starbucks #631, 20676 Homestead Road  
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Starbucks #631, 20676 Homestead Road  
[Staff Report](#)  
[A - Application](#)
16. Subject: Application for Alcoholic Beverage License for Blast 825 Pizza, 10033 Saich Way  
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Blast 825 Pizza, 10033 Saich Way  
[Staff Report](#)  
[A - Application](#)
17. Subject: Application for Alcoholic Beverage License for Legends Pizza Company, 19732 Stevens Creek Boulevard  
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Legends Pizza Company, 19732 Stevens Creek Boulevard  
[Staff Report](#)  
[A - Application](#)

**SECOND READING OF ORDINANCES****PUBLIC HEARINGS****ORDINANCES AND ACTION ITEMS**

18. Subject: Contract with Perfect Mind Technology, Inc. for the replacement of the

current Recreation and Community Services Enterprise Management System

Recommended Action: a. Authorize the City Manager or his designee to negotiate and execute a ten year agreement with PerfectMind Technology, Inc. for Recreation and Community Services Enterprise Management System; and b. Authorize the appropriation of \$360,233 in FY 15-16

[Staff Report](#)

[A - Implementation Timeline](#)

[B- Statement of Work](#)

19. Subject: Response to Call for Projects for Valley Transportation Plan 2040 (VTP 2040) - Originally heard on July 7 brought back for final approval.

Recommended Action: Staff recommends that Council take the following actions:

- 1) Rescind Resolution No. 15-061 adopted on July 7 and adopt Resolution No. 15-077 supporting the inclusion of a mass transit study, including a prioritization for initial implementation along the Highway 85 Corridor supporting the inclusion of a study of long-term mass transit solutions along the Highway 85 Corridor and the design and construction of near-term solutions; and
- 2) Provide direction on any additional transportation projects to submit for inclusion in the Santa Clara Valley Transportation Authority's (VTA) Valley Transportation Plan 2040.

[Staff Report](#)

[A - West Valley/North County Mayor's Letter for Transit Study](#)

[B - Draft Mass Transit Project Resolution](#)

[C - Draft VTP 2040 Project List](#)

- 19a. Subject: Appointment to State Route (SR) 85 Corridor Policy Advisory Board (PAB)

Recommended Action: Appoint one member and one alternate to the SR 85 Corridor PAB

[Staff Report](#)

[A - Letter from VTA Board Secretary](#)

## REPORTS BY COUNCIL AND STAFF

20. 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.*

*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.*



## **THE CITY COUNCIL AND STAFF**

### **CITY COUNCIL**

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from nine commissions, which are appointed by the Council. These are the Bicycle Pedestrian Commission, Fine Arts Commission, Cupertino Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Teen Commission, and the Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

### **STAFF**

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

## **TYPES OF COUNCIL ACTIONS**

### **ORDINANCES**

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

### **RESOLUTIONS**

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

### **APPEALS**

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

### **RECONSIDERATION**

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 [www. http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

## COMMUNICATING WITH COUNCIL

All Council members:	citycouncil@cupertino.org	
Rod Sinks	RSinks@cupertino.org	(408) 777-3194
Barry Chang	BChang@cupertino.org	(408) 777-3192
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Gilbert Wong	GWong@cupertino.org	(408) 777-3191
Savita Vaidhyanathan	SVaidhyanathan@cupertino.org	(408) 777-3193
Council secretary	KarenG@cupertino.org	(408) 777-3212
City Hall	www.cupertino.org	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

## NEWS AND NOTICES FROM CITY HALL

### EMAIL

Sign up for e-mailed agendas, minutes, elections, and other items on the city website at [www.cupertino.org](http://www.cupertino.org), or fill out a Speaker Card at the meeting and check your categories of interest.

### TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

### INTERNET

City Council and Planning Commission videos are available on demand at [www.cupertino.org](http://www.cupertino.org). Click "View meetings online."

You can also use iTunes to listen online or download podcasts of City Council meetings. iTunes is a free software program available for Mac and PC users. Occasionally, news and community information is also available at [www.Twitter.com/CupertinoCom](http://www.Twitter.com/CupertinoCom)

### AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

## USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Parks & Recreation	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152