



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10300 Torre Avenue and 10350 Torre Avenue

Tuesday, October 20, 2015

5:30 PM

Non-televised Closed Session (5:30) Followed by Televised 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, October 20, 2015, commencing at 5:30 p.m. 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

City Hall Conference Room A, 10300 Torre Avenue

CLOSED SESSION

1. Subject: Conference with Real Property Negotiators (Gov't 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: 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 Gov't Code Section 54956.9: One case.
3. Subject: Conference with Legal Counsel-Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Gov't Code Section 54956.9: One case.

ADJOURNMENT

REGULAR MEETING**PLEDGE OF ALLEGIANCE - 6:45 PM****Community Hall Council Chamber, 10350 Torre Avenue****ROLL CALL****STUDY SESSION**

1. Subject: Study Session on potential Ballot Measures regarding Civic Center Master Plan and Vallco Shopping District Special Area
Recommended Action: Conduct a Study Session on potential Ballot Measures regarding Civic Center Master Plan and Vallco Shopping District Special Area and give direction to staff
[Staff Report](#)
[A - Memo from CAO reviewing options for voter input](#)
[B - Summary Table](#)

CEREMONIAL MATTERS AND PRESENTATIONS

2. Subject: a. Resolution acknowledging City Attorney Carol Korade for her contributions to the City of Cupertino; and b. Proclamation recognizing Carol Korade on her retirement and thanking her for her outstanding work as City Attorney for the City of Cupertino
Recommended Action: a. Adopt Resolution No. 15-088 acknowledging City Attorney Carol Korade for her contributions to the City of Cupertino; and b. Present proclamation
[A - Draft Resolution](#)
3. Subject: Annual update from the Library Commission
Recommended Action: Receive update

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 September 15 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
5. Subject: Approve the October 6 City Council minutes
Recommended Action: Approve the minutes
[A - Draft Minutes](#)
6. Subject: Accept Accounts Payable for the period ending September 4, 2015
Recommended Action: Adopt Resolution No. 15-089 accepting Accounts Payable for the period ending September 4, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
7. Subject: Accept Accounts Payable for the period ending September 11, 2015
Recommended Action: Adopt Resolution No. 15-090 accepting Accounts Payable for the period ending September 11, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
8. Subject: Accept Accounts Payable for the period ending September 18, 2015
Recommended Action: Adopt Resolution No. 15-091 accepting Accounts Payable for the period ending September 18, 2015
[A - Draft Resolution](#)
[B - AP Report](#)
9. Subject: Approve the Employment Contract for the City Attorney, amend the Housing Assistance Program for Department Heads, and amend the Appointed Employees' Compensation Program.
Recommended Action: Authorize the Mayor to execute an Employment Contract with the new City Attorney for the City of Cupertino; and adopt Resolution No. 15-092 to amend the Housing Assistance Program for Department Heads; and adopt Resolution No. 15-093 to amend the Appointed Employees' Compensation Program.

[Staff Report](#)[A - Redlined Draft Resolution Amending Housing Assistance Program](#)[B - Clean Draft Resolution Amending Housing Assistance Program](#)[C - Redlined Draft Resolution Amending Appointed Employees Compens](#)[D - Clean Amended Appointed Employees Compensation Program](#)[E - City Attorney Contract Provided Under Separate Cover](#)**10.** Subject: Accept Annual ReportRecommended Action: Accept the Draft Annual Report[A - Draft Annual Report](#)**11.** Subject: Reaffirm Shirley Chu as the Financial Representative on the Housing CommissionRecommended Action: Reaffirm Shirley Chu as the Financial Representative on the Housing Commission[Staff Report](#)[A - Letter from Shirley Chu](#)[B - Letter from Branch Manager](#)**12.** Subject: Application for Alcoholic Beverage License for Cupertino Liquors, 7335 Bollinger Road, Suite FRecommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Cupertino Liquors, 7335 Bollinger Road, Suite F[Staff Report](#)[A - Application](#)**13.** Subject: Application for Alcoholic Beverage License for Red Hot Wok, 10074 East Estates DriveRecommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Red Hot Wok, 10074 East Estates Drive[Staff Report](#)[A - Application](#)**14.** Subject: Phase 1 of the Storm Drain Master Plan UpdateRecommended Action: 1. Authorize the City Manager to award a contract for surveying and information gathering of the City's storm drain system to Sandis Civil Engineers, Inc., in the amount of \$285,000; and

2. Authorize a contingency budget of \$45,000, approximately fifteen (15%) of the surveying contract value, to address unforeseen conditions during the project.

[Staff Report](#)[A - Draft Agreement](#)

15. Subject: Wilson Park Improvements 2015, Project No. 2015-08

Recommended Action: 1. Accept this report on bids;

2. Reject all bids received for the Wilson Park Improvements 2015, Project No. 2015-08; and

3. Remove the three CIP projects, listed below, that comprise the Wilson Park Improvements 2015 Project No. 2015-08, from the FY 2016 Capital Improvement Program, and liquidate the project budget balances to return the funds to Fund 429 Capital Reserve -

1) Wilson Park-Ball Safety Netting Screens (Budget Unit 580-90-907),

2) Wilson Park-Bleacher Shade Canopies (Budget Unit 580-90-908) and

3) Wilson Park-Building and Landscape Improvements (Budget Unit 580-90-945)

[Staff Report](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

16. Subject:

Citywide amendments to Community Vision 2040 (General Plan). The General Plan amendments address proposed policy, text and figure edits including, but not limited to updates, corrections, clarifications, and re-organization. These changes are located throughout the General Plan including, but not limited to, land use, transportation, environmental and waste management, community services, infrastructure, parks, and open space and community benefits, goals, policies, strategies, figures and appendices. In making changes to the General Plan, the City's policies in the prior General Plan (2000 - 2020) will be used as a point of comparison. (GPA-2015-01, City-wide)

Actions related to 10950 N. Blaney Avenue (Mirapath property): Change of General Plan designation from Industrial/Residential to Industrial/Commercial/Residential and associated Municipal Code Amendment to rezone the property at 10950 N. Blaney Avenue from Light Industrial with special development conditions (ML-fa) to Planned Development with Light Industrial and General Commercial uses (P(ML,CG)). (Z-2015-01, 10950 N. Blaney Avenue, APN: 316 03 041) Council will further take action under CEQA for all matters under consideration.

Recommended Action: Staff recommends that the City Council conduct a public hearing and take the following actions:

1. Adopt the Addendum to the certified General Plan Amendment, Housing Element Update and Associated Rezoning Environmental Impact Report (EIR), EA-2013-03;
2. Adopt Resolution No. 15-087, “A resolution of the City Council of the City of Cupertino approving a General Plan Amendment to Community Vision 2040 (General Plan) Policy, Text And Figures pertaining to citywide issues, and a change to the General Plan land use map to change the land use designation of one property located at 10950 N. Blaney Ave from Industrial/Residential to Industrial/Commercial/Residential,” GPA-2015-01, adopting amendments to Community Vision 2040 (General Plan), in substantially similar form to the attached Resolution, to make:
 - a. Changes and corrections to the General Plan (including Appendices) goals, policies and strategies,
 - b. Changes and corrections to the General Plan figures in Chapter 2, Planning Areas, Chapter 3, Land Use and Community Design, Chapter 5, Mobility and Chapter 8, Infrastructure and inclusion of Neighborhood and Special Area maps in Chapter 2, Planning Areas and the Noise Contours map in Appendix D, Community Noise Control Fundamentals
 - c. A change to the General Plan Land Use Map to change the land use designation of property located at 10950 N. Blaney Ave from Industrial/Residential to Industrial/Commercial/Residential;
3. Conduct the first reading of Ordinance 15-2135, “An Ordinance of the City Council of the City of Cupertino rezoning a 0.98 acre parcel from Light Industrial with Special Development Conditions (ML-fa) to Planned Development Zoning District with Light Industrial And Commercial Uses P(ML, CG),” Z-2015-01

[Staff Report](#)

[A - Resolution No. 15-087](#)

[B - Ordinance No. 15-2135](#)

[C - Planning Commission Resolution No. 6789](#)

[D - Planning Commission Resolution No. 6790](#)

[E - Comparison Tables - June 9 2015](#)

[F - Public Comments](#)

[G - Comparison Tables - September 10 2015](#)

[H - Email from Jerry Liu - Library Commissioner](#)

[I - Addendum dated October 1, 2015](#)

[J - ERC Recommendation dated October 1, 2015](#)

ORDINANCES AND ACTION ITEMS

17. Subject: An Ordinance amending Section 2.12.040 of the Cupertino Municipal Code to clarify the number of votes required to pass ordinances, resolutions, and

certain orders to ensure that the Municipal Code is consistent with State Law

Recommended Action: Conduct the first reading of Ordinance No. 15-2136: An Ordinance of the City Council of the City of Cupertino amending Section 2.12.040 of the Cupertino Municipal Code regarding the number of votes required for Ordinances, Resolutions, and Certain Orders

[Staff Report](#)

[A - Redline Draft Ordinance](#)

[B - Clean Draft Ordinance](#)

18. Subject: Consider continuing the policy of providing action minutes for City Council meetings

Recommended Action: Consider continuing the policy of providing action minutes for City Council meetings

[Staff Report](#)

19. Subject: Designate voting delegate and alternates for National League of Cities Annual Business Meeting November 7 in Nashville, TN

Recommended Action: Designate voting delegate and up to two alternatives

[Staff Report](#)

[A - Conference Information](#)

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.