



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 19, 2019

SPECIAL CITY COUNCIL MEETING

At 5:00 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

ROLL CALL

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey (5:45 p.m.). Absent: None.

1. Subject: City Work Program for FY 2019-20
Recommended Action: Review and provide direction on City Work Program for FY 2019-20

Written communications for this item included emails to Council; amended City Work Program for FY 2019-20; proposed Planning Commission Work Program FY 2019-20 prioritization; proposed Housing Commission Work Program FY 2019-20; presentation.

Interim City Manager Timm Borden reviewed the presentation on the City Work Program for FY 2019-20.

Mayor Scharf opened public comment and the following individuals spoke:

Connie Cunningham

Shani Kleinhaus on behalf of the Santa Clara Valley Audubon Society

Sudha Kasamsetty (Cupertino resident) on behalf of Cupertino Fine Arts Commission

Dashiell Leeds on behalf of the Santa Clara Valley Audubon Society

John Zhao (Cupertino resident) on behalf of Cupertino Housing Commission (distributed written comments)

Cathy Helgerson (Cupertino resident)

Jennifer Griffin

Janet Van Zoren on behalf of Housing Choices

Mayor Scharf closed public comment.

City Attorney Heather Minner noted that Vice Mayor Chao, out of an abundance of caution, would be recusing herself from discussion on decisions related to the Vallco site pending a Fair Political Practices Commission (FPPC) decision based on the location of her residence.

Vice Mayor Chao left the dais at 5:39 p.m.

Council reviewed the City Work Program for FY 2019-20 and continued the study session to the upcoming Regular Meeting.

Council recessed from 6:15 p.m. to 6:45 p.m.

ADJOURNMENT (Study Session to be continued during Regular Meeting)

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:45 p.m. Mayor Steven Scharf called the Regular City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

Paul moved and Chao seconded to reorder the agenda to hear Oral Communications next and then item no. 11 under Ordinances and Action Items. The motion carried unanimously.

ORAL COMMUNICATIONS

Cathy Helgerson (Cupertino resident) talked about Lehigh, Councilmember recusals, adding additional Council meetings, and adding open resident forums with Councilmembers.

Larry Dean (Cupertino resident) on behalf of Walk Bike Cupertino talked about Regnart Creek Trail project.

Lisa Warren talked about bird protection and hiring a lobbyist for Sacramento.

Jennifer Griffin talked about concerns over Highway 17.

Linda Wyckoff (Cupertino resident) talked about Regnart Creek Trail (distributed written comments).

Viji Ilango donated time to Linda Wyckoff.

Julia Miyakawa (Cupertino resident) talked about Regnart Creek Trail.

Jean Bedord (Cupertino resident) talked about the length of City Council meetings.

Gary Wong (Cupertino resident) talked about Regnart Creek Trail (distributed written comments).

Saloni Mahajan talked about Regnart Creek Trail.

Kevin Lu (Cupertino resident) talked about Regnart Creek Trail.

ORDINANCES AND ACTION ITEMS

11. Subject: Renewal of Friendship City Relationships (continued from February 19)
Recommended Action: Approve renewal of five Friendship City relationships, including Jiangmen, China; Taichung, Taiwan; Taipei, Taiwan; Yilan, Taiwan; and Zhaoqing, China

Public Information Officer Brian Babcock reviewed the staff report.

Individuals representing some of the Friendship Cities spoke in support.

Mayor Scharf opened public comment and the following individual spoke:

Hung Wei (Cupertino resident).

Mayor Scharf closed public comment.

Paul moved and Scharf seconded to approve renewal of five Friendship City relationships, including Jiangmen, China; Taichung, Taiwan; Taipei, Taiwan; Yilan, Taiwan; and Zhaoqing, China. The motion carried unanimously.

Mayor Scharf reported out from the following closed session items:

March 7, 2019:

Subject: Conference with Labor Negotiator (Government Code Section 54957.6); City designated representatives: Director of Administrative Services and City Manager; Employee organizations: Operating Engineers Local No. 3 Union; Cupertino Employees' Association; Unrepresented (Management and Confidential) Employees' Compensation Program

He reported that no reportable action was taken.

March 9, 2019:

Subject: Public Employee Employment (Gov't Code 54957(b)(1); Title: City Manager Recruitment

He reported that the City Council met in closed session to conduct interviews and discuss the appointment of candidates for City Manager and no reportable action was taken.

March 18, 2019:

Subject: Conference with Labor Negotiator (Government Code Section 54957.6); City designated representatives: Director of Administrative Services, City Manager, and Richard Bolanos with Liebert Cassidy Whitmore; Employee organizations: Operating Engineers Local No. 3 Union; Cupertino Employees' Association; Unrepresented (Management and Confidential) Employees' Compensation Program

He reported that no reportable action was taken.

CONSENT CALENDAR

Paul moved and Sinks seconded to approve the items on the Consent Calendar with the exception of item number 5 which was pulled for discussion. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

4. Subject: Approve the March 5 City Council minutes
Recommended Action: Approve the March 5 City Council minutes
5. Subject: Consider entering into a funding agreement with Santa Clara Valley Transportation Authority (VTA) to allow the City of Cupertino to receive 2016 Measure B funds for expenditure on street improvement projects within the City that qualify under the Measure B Local Streets and Roads Program (LS&R).

Recommended Action: Authorize the City Manager to enter into a funding agreement with Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Local Streets and Roads Program.

Acting Director of Public Works Roger Lee reviewed the staff report and answered questions from Council.

Mayor Scharf opened public comment and the following individual spoke:

Cathy Helgerson (Cupertino resident)

Mayor Scharf closed public comment.

Paul moved and Willey seconded to authorize the City Manager to enter into a funding agreement with Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Local Streets and Roads Program. The motion carried unanimously.

6. Subject: Resignation of Housing Commission member (Financial Representative) Poonam Goyal and initiation of recruitment process for filling the unscheduled vacancy.
Recommended Action: 1. Accept the resignation of Housing Commission member (Financial Representative) Poonam Goyal; and 2. Direct staff to initiate the recruitment process and approve the application deadline and interview date for filling the unscheduled vacancy: Deadline for applications: 4:30 p.m., Friday, May 3, 2019 Applicant interview date: 5:30 p.m., Tuesday, May 21, 2019
7. Subject: Application for Alcohol Beverage License for Sizzling Lunch Corporation (dba Sizzling Lunch), 10033 Saich Way
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Sizzling Lunch Corporation (dba Sizzling Lunch), 10033 Saich Way
8. Subject: Application for Alcohol Beverage License for Juanxiang Corporation (dba Easterly), 10495 S. De Anza Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Juanxiang Corporation (dba Easterly), 10495 S. De Anza Boulevard

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation on CASA by Assistant City Attorney

Recommended Action: Receive presentation on CASA and provide any direction to staff

Written communications for this item included a staff report; CASA compact excerpts of MTC and ABAG Executive Committee minutes; and a presentation.

Assistant City Attorney Richard Taylor gave a presentation on CASA.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin
Kitty Moore

Mayor Scharf closed public comment.

Council received the presentation on CASA.

2. Subject: Presentation on SB50 and SB330 by Assistant City Attorney Recommended Action: Receive presentation on SB50 and SB330 and provide any direction to staff

Written communications for this item included a staff report and a presentation.

Assistant City Attorney Richard Taylor gave a presentation on SB50 and SB330.

Mayor Scarf opened public comment and the following individuals spoke:

Lisa Warren (distributed written comments)
Jennifer Griffin
Govind
Connie Cunningham (Cupertino resident)
Kitty Moore

Mayor Scharf closed public comment.

Council received the presentation on SB50 and SB330.

Council recessed from 9:42 p.m. to 9:45 p.m.

3. Subject: Presentation on State Legislative process by Assistant City Attorney

Recommended Action: Receive presentation on State Legislative process and provide any direction to staff

Written communications for this item included a presentation.

Assistant City Attorney Richard Taylor gave a presentation on State Legislative process.

Mayor Scharf opened public comment and the following individuals spoke:

Kitty Moore

Govind Tatachari

Hung Wei (Cupertino resident)

Mayor Scharf closed public comment.

Council received the presentation on State Legislative process.

POSTPONEMENTS - None

STUDY SESSION – Continued from earlier Special Meeting

9. Subject: City Work Program for FY 2019-20 (Continued from earlier Special Meeting at 5:00 PM)

Recommended Action: Review and provide direction on City Work Program for FY 2019-20

Mayor Scharf reconvened this item from the Special Meeting held earlier in the evening.

Mayor Scharf opened public comment and the following individual spoke:

Henry Sang (Cupertino resident) on behalf of Cupertino Library Foundation (distributed written comments).

Mayor Scharf closed public comment.

Council continued discussion of the City Work Program for FY 2019-20 and made the following comments and direction to staff:

- **Community Livability**
 - Incentives to build ADU's

- Move up timeline and completion date
 - Separate out additional item regarding regulations
 - Library room addition
 - Change status from “on hold” to “in progress”
 - Teen engagement
 - Add developing opportunities for internships
 - Review General Plan
 - Phasing for next steps
 - Housing strategies
 - In project objective, add “including housing for the developmentally disabled, as well as for those with moderate, low, very low, extremely low, and below very low income”
 - Development accountability
 - Separate out additional item for development approval process accountability and transparency
 - Homelessness
 - Add housing commission item: identify strategies and resources to assist the homeless with an emphasis on food pantry
 - ELI housing for developmentally disabled
 - Combine with “engage with HFH to build ownership housing”
- **Public Engagement and Transparency**
 - Review current commissions
 - Add budget for annual meeting with like commissions in other agencies
 - Consider new commissions
 - Eliminate outreach and revise next steps and timeline accordingly
 - Neighborhood engagement
 - Revise to include town halls and possible workshops on civic engagement
 - Add community advisory group
 - Public relations and marketing project
 - Split into two items: public relations, marketing project
 - Include Cupertino branded items, potentially Cupertino store
 - Artistic items to give away
 - A way for Councilmembers or Mayor to contact and congratulate other elected officials in peer jurisdictions
- **Public and Private Partnerships**
 - Support film society
 - Cancel
 - Small business development center
 - Add visitors and convention bureau
- **Other additions**

- Bird safe design guidelines and dark sky policy
- Arts & Culture festival or programs
- Vallco community meetings
- Planning Commission proposed Work Program items # 2, 3, 4, 11, 12, 13, 14, 16

Councilmember Paul left the dais at 12:15 a.m.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS – None

ORDINANCES AND ACTION ITEMS - Continued

10. Subject: Department of Housing and Community Development (HCD) Annual Housing Element Progress Report (APR)
Recommended Action: Accept the Department of Housing and Community Development (HCD) Annual Housing Element Progress Report (APR)

Written communications for this item included the Annual Element Progress report and a presentation.

Senior Housing Planner Kerri Heusler reviewed the staff report and presentation.

Sinks moved and Willey seconded to accept the Department of Housing and Community Development (HCD) Annual Housing Element Progress Report (APR). The motion carried unanimously with Paul absent.

12. Subject: Consideration of resolution to change the order of business for Regular City Council meetings to move "Reports by Council and Staff" ahead of "Oral Communications"
Recommended Action: Rescind Resolution No. 11-176 and adopt Resolution No. 19-024 changing the order of business for Regular City Council meetings to move "Reports by Council and Staff" ahead of "Oral Communications"

Written communications for this item included emails to Council and written comments from Councilmember Paul.

City Clerk Grace Schmidt reviewed the staff report.

Scharf moved and Sinks seconded to postpone the item to a future date. The motion carried unanimously with Paul absent.

13. Subject: Consideration of the City Council summer meeting schedule and cancellation of meeting(s)
Recommended Action: Consider the City Council summer meeting schedule and cancel meeting(s) or provide direction to staff

City Clerk Grace Schmidt reviewed the staff report.

Scharf moved and Sinks seconded to cancel the following Council meeting(s): June 4 and July 2. The motion carried unanimously with Paul absent.

REPORTS BY COUNCIL AND STAFF

14. Subject: Report on Committee assignments and general comments
Recommended Action: Report on Committee assignments and general comments

Written communications for this item included written comments from Councilmember Paul.

Councilmembers highlighted the activities of their committees and various community events.

Direction to staff to add discussion of Regnart Creek Trail Alternative 4 to a future agenda after Councilmembers have the opportunity to walk the alternative (Chao/Willey).

ADJOURNMENT

At 12:50 a.m. on Wednesday, March 21, Mayor Scharf adjourned the meeting.

Grace Schmidt, City Clerk