



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 4, 2018**

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:46 p.m. Mayor Darcy Paul 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 Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyanathan. Absent: None.

In open session, Mayor Paul reported out on a closed session meeting that was held on November 29:

Subject: Conference with Legal Counsel- Anticipated Litigation: Significant exposure to litigation: One Potential Case (Paragraph (2) of subdivision (d) of California Gov. Code, sec. 54956.9)

Mayor Paul reported out that direction was given and no final action was taken.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Receive Healthy Cities Program award from the Santa Clara County Public Health Department recognizing the City of Cupertino for its work to support healthy commutes and encourage the use of active forms of transportation.
Recommended Action: Receive Healthy Cities Program award from the Santa Clara County Public Health Department recognizing the City of Cupertino for its work to support healthy commutes and encourage the use of active forms of transportation.

Health Officer and Public Health Department Director Dr. Sara Cody, MD spoke.

Council received the Healthy Cities Program award from the Santa Clara County Public Health Department recognizing the City of Cupertino for its work to support healthy commutes and encourage the use of active forms of transportation.

2. Subject: Proclamation to Dynasty Restaurant in Cupertino to recognize the dining establishment's work in Cupertino, from its opening in March 2004 to its being closed in December 2018, as a valued community gathering space welcoming large groups and patrons from all areas and spectrums of our demographics
Recommended Action: Present proclamation to Dynasty Restaurant in Cupertino to recognize the dining establishment's work in Cupertino, from its opening in March 2004 to its being closed in December 2018, as a valued community gathering space welcoming large groups and patrons from all areas and spectrums of our demographics

Dynasty Restaurant owner Aaron Wong spoke.

Mayor Paul presented the proclamation to Dynasty Restaurant in Cupertino to recognize the dining establishment's work in Cupertino, from its opening in March 2004 to its being closed in December 2018, as a valued community gathering space welcoming large groups and patrons from all areas and spectrums of our demographics.

3. Subject: Presentation of Certificates of Recognition for Cupertino Science Fair winners who participated in the Synopsys Championship
Recommended Action: Certificates of Recognition for Cupertino Science Fair winners who participated in the Synopsys Championship

Synopsys Championship Board member Veena Jain spoke.

Mayor Paul presented the Certificates of Recognition to the Cupertino Science Fair winners who participated in the Synopsys Championship.

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Bobby Truong and Roberta Ryan (Cupertino residents) talked about proposed regulations for short term rentals (STR).

Edward Hirshfield (Cupertino resident) talked about regular order and the Vice Mayor becoming Mayor.

Jennifer Griffin talked about the Shell gas station on Stern Avenue and adjacent AC hotel by Marriott.

Janet Van Zoeren (Cupertino resident) talked about conduct during the election and the rules of order regarding the selection of Mayor.

Larry Dean (Cupertino resident), on behalf of Walk Bike Cupertino, talked about bicycle and pedestrian funding and support and current City projects.

Tessa Parish talked about the Vice Mayor and the election of Mayor, and Vallco.

Thorsten Von Stein talked about the Vice Mayor and the election of Mayor.

Hung Wei (Cupertino resident) talked about the Vice Mayor and the election of Mayor.

Seema Lindskog (Cupertino resident) talked about the Regnart Creek Trail and potential usage.

Pam Hershey (Cupertino resident) talked about the Vice Mayor and the election of Mayor.

Gary Wong (Cupertino resident), on behalf of Campo De Lazano HOA, talked about the Regnart Creek Trail and Juniper Serra Trail Feasibility Studies.

Muni Madhipahtla (Cupertino resident) talked about respecting voters' wishes, Council's code of ethics, and the election of Mayor.

Vinod Vaiakrishnan (Cupertino resident) talked about conduct in front of the library during referendum signing, the Vice Mayor, and the election of Mayor.

Balaji Chalam (Cupertino resident) talked about behavior during the referendum process, the Vice Mayor, and the election of Mayor.

Govind talked about respecting voters' wishes and proposed zoning changes in the City.

Aeron Lauv (Cupertino resident) talked about making adjustments and amending Council divisiveness, and the election of Mayor.

Gilbert Wong (Cupertino resident) talked about the Vice Mayor and Mayor election process.

CONSENT CALENDAR

Sinks moved and Chang seconded to approve the items on the Consent Calendar as presented. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None

4. Subject: Approve the November 20 City Council minutes
Recommended Action: Approve the November 20 City Council minutes
5. Subject: Resignation of Planning Commissioner Jerry Liu and consolidation of unscheduled vacancy recruitment with the annual recruitment of all commission and committee members' terms expiring January 30, 2019
Recommended Action: Accept resignation of Planning Commissioner Jerry Liu and direct staff to fill the unscheduled (partial) vacancy with the annual recruitment of all commission and committee members' terms expiring January 30, 2019
6. Subject: Approval of Contract Change Order No. 1 for the McClellan Road Separated Bikeway Phase 1A Project (No. 2017-01.04)
Recommended Action: 1. Approve Contract Change Order No. 1 for the McClellan Road Separated Bikeway Phase 1A Project in the amount of One Hundred Twenty Thousand Dollars (\$120,000); and
2. Authorize an increase in the construction contingency from \$182,000 to \$302,000. The additional \$120,000 in the construction contingency will fund Contract Change Order No. 1, which will allow for the project start date to be postponed to May 2019.

SECOND READING OF ORDINANCES

7. Subject: Second Reading of Ordinances Regarding City Commissions and Recommendations for Improving Effectiveness and Communications with the City Council
Recommended Action: 1. Conduct the second reading and enact Ordinance No. 18-2180: "An Ordinance of the Cupertino City Council Amending the Cupertino Municipal Code, Title 2, to Update, Clarify, and Improve Consistency in Various Provisions Pertaining to City Commissions." The first reading was conducted on November 20 and there were no substantive changes to the ordinance requested by Council.
2. Conduct the second reading and enact Ordinance No. 18-2181: "An Ordinance of the Cupertino City Council Adding Chapter 2.95 to the Cupertino Municipal Code, Title 2, to Establish the Teen Commission by Ordinance." The first reading was conducted on November 20 and there were no changes to the ordinance.
3. Conduct the second reading and enact Ordinance No. 18-2182: "An Ordinance of the Cupertino City Council Repealing Ordinance No. 006 and Amending Chapter 2.08

of the Cupertino Municipal Code Regarding Adoption of Robert's Rules of Order." The first reading was conducted on November 20 and there were no changes to the ordinance.

Written Communications for this item included an amended Attachment D of Draft Ordinance No. 18-2182.

Senior Management Analyst Katy Nomura reviewed the staff report.

Mayor Paul opened public comment and the following individuals spoke on this item:

Jennifer Griffin
Jennifer Shearin

Mayor Paul closed public comment.

Staff answered questions from Council.

Deputy City Clerk Kirsten Squarcia read the title of Ordinance No. 18-2180: "An Ordinance of the Cupertino City Council Amending the Cupertino Municipal Code, Title 2, to Update, Clarify, and Improve Consistency in Various Provisions Pertaining to City Commissions" and the title of Ordinance No. 18-2181: "An Ordinance of the Cupertino City Council Adding Chapter 2.95 to the Cupertino Municipal Code, Title 2, to Establish the Teen Commission by Ordinance."

Chang moved and Vaidhyanathan seconded to read Ordinance No. 18-2180 by title only and Ordinance No. 18-2181 by title only and that the City Clerk's reading would constitute the second readings thereof. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

Chang moved and Vaidhyanathan seconded to enact Ordinance No. 18-2180 and Ordinance No. 18-2181. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

Council concurred to postpone conducting the second reading and enactment of Ordinance No. 18-2182: "An Ordinance of the Cupertino City Council Repealing Ordinance No. 006 and Amending Chapter 2.08 of the Cupertino Municipal Code Regarding Adoption of Robert's Rules of Order" since the Draft Ordinance Attachment D was not the same as in the first reading, and staff will come back with the original version.

PUBLIC HEARINGS

8. Subject: Vacate an Easement for Storm Drain Retention Basin Purposes located on 23500 Cristo Rey Drive
Recommended Action: Conduct a public hearing and adopt Resolution No. 18-116 to vacate an easement for storm drain retention basin purposes located on 23500 Cristo Rey Drive

Written communications for this item included a staff map exhibit.

Director of Public Works Timm Borden reviewed the staff report.

Mayor Paul opened the public hearing and, seeing there were no speakers, closed the public hearing.

Staff answered questions from Council.

Chang moved and Vaidhyanathan seconded to adopt Resolution No. 18-116 to vacate an easement for storm drain retention basin purposes located on 23500 Cristo Rey Drive. The motion carried unanimously.

ORDINANCES AND ACTION ITEMS - None**REPORTS BY COUNCIL AND STAFF**

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

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

ADJOURNMENT

At 8:43 p.m., Mayor Paul adjourned the meeting.

Kirsten Squarcia, Deputy City Clerk