



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Monday, May 13, 2019**

**SPECIAL CITY COUNCIL MEETING**

At 5:30 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

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

**CLOSED SESSION**

Council went into closed session and reconvened in open session at 6:45 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

**CLOSED SESSION**

Written communication for this item included emails to Council.

Before Council went into closed session, the following individuals spoke:

Bern Steves on behalf of Friends of Better Cupertino  
James Moore (Cupertino resident) – distributed written comments  
Caryl Gorska (Cupertino resident)  
Lisa Warren  
Ignatius Ding (Cupertino resident) – distributed written comments

1. Subject: Conference with Legal Counsel - Anticipated Litigation; Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case.

In open session, Mayor Scharf reported that no reportable action was taken.

2. Subject: Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(1); Re: Pending Litigation; Friends of Better Cupertino, et al. v. City of Cupertino; Santa Clara County Superior Court, Case No. 18CV330190 (SB 35 Vallco Project).

In open session, Mayor Scharf reported that Council discussed with legal counsel this pending litigation for which discussion in open session would prejudice the City in its litigation and that no reportable action was taken.

## **RECESS**

## **PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Steven Scharf reconvened the Special 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 (5:33 p.m.), and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

## **ORAL COMMUNICATIONS**

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

Lalitha Maruvada (Cupertino resident) talked about McClellan Ranch community garden (budget item #4).

Lisa Warren talked about properties located near Creekside Park that the City was supposed to have purchased 25 years ago when the park was originally built.

Natalie Zhou (Cupertino resident) talked about her Teen Commission application and a late letter of recommendation submitted by her teacher.

Tanya (Cupertino resident) talked about flooding in Iran and support from Cupertino.

## **POSTPONEMENTS - None**

## **CONSENT CALENDAR**

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

3. Subject: Reassignment of Council representative on Economic Development Committee

Recommended Action: Approve reassignment from Steven Scharf to Darcy Paul as representative on the Economic Development Committee. Note: Liang Chao representation is unchanged.

## STUDY SESSION

4. Subject: Study Session regarding the Proposed Fiscal Year 2019 - 2020 Budget  
Recommended Action: Conduct Study Session regarding Proposed Budget

Written communications for this item included a staff presentation.

Director of Administrative Services Kristina Alfaro and Finance Manager Zach Korach reviewed the presentation.

Council comments included:

Paul: Need a better narrative to reflect how much staff time is spent on specific activities such as Sister and Friendship cities; compare staffing resources and compensation with other jurisdictions and also per capita metrics on personnel via OpenGov as possible; need better sense of accountability of staff duties.

Chao: Would like information and analysis regarding staff time allocated for each commission; separate out item for community funding requests; consider a line item expenditure for each funding request and provide report; make sure festivals are noted on the City calendar; add the on-demand community shuttle bus pilot program separately when bringing back the budget for adoption and note the dollar amount for a 7.5% to 7% discount rate.

Scharf: Would like information on how much the City spends on festivals; try to off-set additional position of Accounting Technician somewhere else in the budget; add column showing cost per attendee for festival; agrees to add the on-demand community shuttle bus pilot program separately when bring back budget for adoption.

Sinks: Bring back more information regarding the Environmental Education Center HVAC system.

Council recessed from 9:45 p.m. to 9:50 p.m.

Mayor Scharf opened public comment and the following individuals spoke:

Viraj Raut (Cupertino resident)  
Bob Austin  
Jennifer Griffin  
Orrin Mahoney (Cupertino resident) on behalf of Cupertino Rotary  
David Fung (Cupertino resident) on behalf of Friends of Deer Hollow Farm  
Hung Wei (Cupertino resident)  
Maggie Kuo  
Lisa Warren  
Rahul Vasanth  
Lalitha Maruvada (Cupertino resident)

Mayor Scharf closed public comment.

Staff responded to Council's questions regarding the community garden.

Scharf moved and Willey seconded to move item number 6 ahead of item number 5. The motion carried unanimously.

## **ORDINANCES AND ACTION ITEMS**

6. Subject: Implementation of all-inclusive playground at Jollyman Park.  
Recommended Action: Execute funding agreement with County of Santa Clara to accept \$1,448,201 in grant funding and proceed with implementation of an all-inclusive playground at Jollyman Park and/or provide other direction to staff regarding an all-inclusive playground.

Written communications for this item included a staff presentation.

Director of Parks and Recreation Jeff Milkes introduced the item and Park Restoration and Improvement Manager Gail Seeds reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Barrat Lakshminarayanan  
Lisa Warren  
Rahul Vasanth  
Jean Bedord

Mayor Scharf closed public comment.

Scharf moved and Paul seconded to execute a funding agreement with the County of Santa Clara to accept \$1,448,201 in grant funding and proceed with implementation of an all-inclusive playground at Jollyman Park and directed staff to include an estimated cost for restrooms and look at Sunnyvale's Braly Park to see if there are efficiencies that would apply to the Jollyman location. The motion carried unanimously.

Council recessed from 11:55 p.m. to 12:03 a.m.

### **STUDY SESSION** (continued)

5. Subject: Study Session on the FY 2019 - 2024 Proposed Capital Improvement Program with Funding Options

Recommended Action: Receive 5-year Capital Improvement Program options regarding projects and funding and provide comments.

Written communications for this item included emails to Council, a staff presentation, and updated attachments B, C, and D.

Acting Director of Public works Roger Lee reviewed the presentation.

Interim City Manager Timm Borden made a comment about City Hall and suggested Council not include any funding right now and noted that staff would take the time to gather all information including structural reports and come back to Council with a satisfactory solution.

Mayor Scharf recused himself before discussing the Library expansion and left the dais.

Vice Mayor Chao opened public comment and the following individual spoke:

Jennifer Griffin

Vice Mayor Chao closed public comment.

Mayor Scharf returned to the dais after Council discussion regarding the Library expansion.

Acting Director Lee continued with the presentation.

Paul moved to re-fund the community garden renovation at McClellan Ranch and bring back additional information and background on June 18. After further discussion, Paul withdrew his motion.

Council concurred to:

Remove EV Chargers from Category 4 "Projects with External Funding" unless the type of chargers can be changed to be eligible for additional grants and/or it is determined that additional grant dollars can be made available similar to the original 75% grant amount.

Move Community Gardens Project to Category 1 "New Project" from "Other" list.

Remove Capital Project Support and CIP Preliminary Planning & Design from Category 2 (these projects are annual reoccurring and are included in the proposed FY19/20 operating budget).

Move the All-Inclusive Play Area for Jollyman Park from Category 4 "Projects with External Funding" to Category 1 "New project"

**REPORTS BY COUNCIL AND STAFF - None**

**ADJOURNMENT**

At 2:07 a.m. on Tuesday, May 14, Mayor Scharf adjourned the meeting.

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Grace Schmidt, City Clerk