



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, November 21, 2017

**SPECIAL CITY COUNCIL MEETING**

At 4:00 p.m. Mayor Savita Vaidhyanathan called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

Present: Mayor Savita Vaidhyanathan, Vice Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks. Absent: None.

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 for the Regular Meeting.

1. Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: 10849 Sycamore Drive, Cupertino, California; APN 342-57-028. Agency Negotiators: David Brandt, Jaqui Guzman. Negotiating Parties: Carol Atwood. Under Negotiation: Price and terms of payment

Mayor Vaidhyanathan reported that Council gave direction to staff.

2. Subject: Conference with Legal Counsel - Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9: (one potential case)

Written communications for this item included handout from League of California Cities and a letter to Council.

David Gold spoke on this item.

Mayor Vaidhyanathan reported that Council cancelled the item by unanimous vote and no action was taken.

Mayor Vaidhyanathan also reported out from an additional closed session added as an urgent item by unanimous vote regarding Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: 10301 Byrne Avenue, Cupertino, California; APN

357-11-020. Agency Negotiators: David Brandt, Jeff Milkes. Negotiating Parties: Susan P. Sievert, on behalf of The Patricia L. Sievert Trust. Under Negotiation: Price and terms of payment

Mayor Vaidhyanathan reported that Council provided further direction to the negotiators.

### **REGULAR CITY COUNCIL MEETING**

#### **PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Savita Vaidhyanathan 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 Savita Vaidhyanathan, Vice Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks. Absent: None.

#### **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)  
Recommended Action: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Youngsook Kim, Vice Principal of Silicon Valley Korean School called the names of the volunteers and two volunteers spoke briefly.

Mayor Vaidhyanathan presented Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS).

2. Subject: Presentation from the Cupertino Rotary regarding community outreach  
Recommended Action: Receive presentation from the Cupertino Rotary regarding community outreach

Written communications for this item included a presentation.

Cupertino Rotary President John Zirelli, incoming Rotary President for 2018 Helen Davis, and Rotary President Elect for 2020 Padma Chari gave a presentation regarding community outreach.

Council received the presentation.

**POSTPONEMENTS** - None

**ORAL COMMUNICATIONS**

Brooke Ezzat talked about completion bonds and a mixed use development fee for developers.

Donna Austin talked about housing concerns in Cupertino (distributed written comments).

Kevin McClelland speaking on behalf of the Cupertino Chamber of Commerce talked about General Plan decisions.

Tracey Edwards speaking on behalf of the League of Women Voters talked about the recent speaker series and allowing input before making changes to the General plan.

Pilar Lorenzana speaking on behalf of Silicon Valley at Home talked about housing decisions in Cupertino.

Mike Malik talked about affordable housing in Silicon Valley.

John Zhao talked about SB 35 (Wiener) and the Cupertino General Plan.

Muni Madhhipatla talked about new housing legislation and Vallco redevelopment.

Pete Heller talked about new housing legislation and Vallco redevelopment.

Jennifer Griffin talked about new housing legislation.

Dolly Sandoval talked about noticing for City development and SB 35.

Heather Dean talked about changes to the Cupertino General Plan.

Tara Sreekrishnan talked about community benefit agreements.

Danessa Techmanski talked about new housing legislation and Vallco redevelopment.

Liana Crabtree talked about new housing legislation.

Victoria Fierce speaking on behalf of California Renters Legal Advocacy and Education Fund (CaRLA) talked about SB 35 and the Cupertino General Plan.

Richard Lowenthal talked about SB 35 and the Cupertino General Plan.

Lisa Warren talked about new housing legislation.

Nathan Ho speaking on behalf of Silicon Valley Leadership Group talked about Vallco redevelopment and thanked Council for the recent speaker series.

David Watson talked about housing and Vallco redevelopment.

Rich Abdalah talked about process for agenda items.

Mark Mollineaux talked about SB 35.

Max Kapczynski talked about housing in Cupertino.

Aboubacar Ndiaye talked about Vallco and housing allocation in Cupertino.

Liat Zavodivker talked about housing and Vallco redevelopment.

### **CONSENT CALENDAR**

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

3. Subject: Approve the November 7 City Council minutes  
Recommended Action: Approve the November 7 City Council minutes
4. Subject: Accept Accounts Payable for the period ending October 6, 2017  
Recommended Action: Adopt Resolution No. 17-107 accepting Accounts Payable for the period ending October 6, 2017
5. Subject: Accept Accounts Payable for the period ending October 20, 2017  
Recommended Action: Adopt Resolution No. 17-108 accepting Accounts Payable for period ending October 20, 2017
6. Subject: Accept Accounts Payable for the period ending October 13, 2017

Recommended Action: Adopt Resolution No. 17-109 accepting Accounts Payable for the period ending October 13, 2017

7. Subject: Declare weeds a nuisance and set hearing date of January 16 for objections to proposed removal  
Recommended Action: Adopt Resolution No. 17-110 declaring weeds a nuisance and setting a hearing date of January 16 for objections to proposed removal
8. Subject: Creation of pooled liability assurance network joint powers authority (PLAN JPA).  
Recommended Action: Adopt Resolution No. 17-111 authorizing the City of Cupertino to participate in the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA).
9. Subject: Authorize the City Manager to execute an agreement with Active Network, LLC for recreation management software  
Recommended Action: Authorize the City Manager to execute a five-year Product and Services Agreement with Active Network, LLC, in the amount of \$1,058,754 for enterprise recreation management software implementation, hardware, and subscription (Attachment A). Authorize the City Manager to negotiate and execute contract extensions at the end of the initial five-year contract period for one two-year term
10. Subject: Application for Alcohol Beverage License for KVS Team (dba Koja Kitchen), 19700 Vallco Parkway, Suite 130  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for KVS Team (dba Koja Kitchen), 19700 Vallco Parkway, Suite 130
11. Subject: Authorize the City Manager to send letters opposing wireless legislation that infringes on the City's authority to manage publicly owned property and wireless facility placement.  
Recommended Action: Authorize the City Manager to send letters to governmental representatives, committees and other appropriate groups and agencies regarding legislation that affects the City's authority to manage publicly owned property and wireless facility placement.

**SECOND READING OF ORDINANCES - None**

**PUBLIC HEARINGS - None**

**ORDINANCES AND ACTION ITEMS**

12. Subject: Authorization of consultant services and budget for specific plan and environmental review of the Vallco Shopping District Special Area.
- Recommended Action: Staff recommends that the City Council: 1. Authorize the City Manager to: a. Execute a consultant agreement with Opticos Design to provide services to the City for the preparation of a specific plan for the Council's consideration, for an amount not to exceed \$850,000 (Attachment A). b. Execute a consultant agreement with David J. Powers and Associates, Inc. to provide services to the City for the preparation of an Environmental Impact Reports (EIR) for the Council's consideration, for an amount not to exceed \$821,940. This amount includes services of transportation consultant Fehr and Peers, who will be a subconsultant under the David J. Powers and Associates, Inc. contract (Attachment B). c. Execute a consultant agreement with EPS to provide services to the City for economic impact analysis for an amount not to exceed \$147,000 (Attachment C). d. Negotiate and execute additional future amendments to the agreements listed in Items 1a. - c. above, up to a total of \$2,405,549, which includes the contract amounts listed above, 15% administrative fee on consultant contracts and a 15% contingency, to the extent that funds are appropriated for the amendments and the total expenditures are cost-recovered from the applicant. 2. Approve an increase to the Fiscal Year 2017-18 Planning and Community Development - Mid to Long Term Planning program budget of \$2,405,549.

Written communications for this item included a letter and emails to Council.

Senior Planner Catarina Kidd reviewed the staff report.

Mayor Vaidhyanathan opened public comment and the following individuals spoke.

Chi Yeh  
Donna Austin  
Jean Bedord  
Jennifer Griffin  
Bob Stromberg  
Lisa Warren

Mayor Vaidhyanathan closed public comment.

Staff answered questions from Council.

Sinks moved and Chang seconded to 1. Authorize the City Manager to: a. Execute a consultant agreement with Opticos Design to provide services to the City for the preparation of a specific plan for the Council's consideration, for an amount not to exceed \$850,000 (Attachment A). b. Execute a consultant agreement with David J. Powers and

Associates, Inc. to provide services to the City for the preparation of an Environmental Impact Reports (EIR) for the Council's consideration, for an amount not to exceed \$821,940. This amount includes services of transportation consultant Fehr and Peers, who will be a subconsultant under the David J. Powers and Associates, Inc. contract (Attachment B). c. Execute a consultant agreement with EPS to provide services to the City for economic impact analysis for an amount not to exceed \$147,000 (Attachment C). d. Negotiate and execute additional future amendments to the agreements listed in Items 1a. - c. above, up to a total of \$2,405,549, which includes the contract amounts listed above, 15% administrative fee on consultant contracts and a 15% contingency, to the extent that funds are appropriated for the amendments and the total expenditures are cost-recovered from the applicant. 2. Approve an increase to the Fiscal Year 2017-18 Planning and Community Development - Mid to Long Term Planning program budget of \$2,405,549.

Paul offered a friendly amendment directing staff to ask the consultants to come to a Council meeting at the earliest possible date to answer questions. Sinks accepted the friendly amendment. Chang did not accept the friendly amendment and Vaidhyanathan seconded the motion and friendly amendment.

The motion carried unanimously.

13. Subject: Mitigation Fee Act - Annual and Five-Year Report for fiscal year ending June 30, 2017

Recommended Action: Accept the Annual and Five-Year Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and Adopt Resolution No 17-112 entitled "A Resolution of the City Council of the City of Cupertino Approving the Annual and Five-Year Development Impact Fee Reports and Making Required Findings."

Director of Public Works Timm Borden reviewed the staff report.

Staff answered questions from Council.

Mayor Vaidhyanathan opened public comment and the following individuals spoke.

Tara Sreekrishnan  
Jennifer Griffin

Mayor Vaidhyanathan closed public comment.

Paul moved and Scharf seconded to accept the Annual and Five-Year Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and Adopt Resolution No 17-112 entitled "A Resolution of the City Council of the City of Cupertino Approving the Annual and Five-Year Development Impact Fee Reports and Making Required Findings." The motion carried unanimously.

#### **REPORTS BY COUNCIL AND STAFF**

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

Council members highlighted the activities of their committees and various community events.

Gave direction to staff to hold the 11/27 City Council study session, and cancel the 11/27 Environmental Review Committee and 11/28 Planning Commission agenda items regarding Housing Element discussion.

Gave direction to staff to address how Council gives direction and adds items to the agenda in formal Rules of Conduct that will be coming to Council at a future meeting.

#### **ADJOURNMENT**

At 10:30 p.m., Mayor Vaidhyanathan adjourned the meeting.

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Grace Schmidt, City Clerk