



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, November 29, 2022

5:30 PM

Non-Televised Special Meeting Closed Session (5:30) and Open Session (6:00)

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, November 29, 2022, commencing at 5:30 p.m. in Community Hall Council Chamber, 10350 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."

SPECIAL MEETING

ROLL CALL - 5:30 PM

CLOSED SESSION

1. Subject: Conference with Legal Counsel - Existing Litigation Pursuant to Government Code § 54956.9: Nadav Samet v. Cupertino Union School District et al., Santa Clara County Superior Court Case No. 22CV403285

OPEN SESSION

ROLL CALL

REPORT REGARDING CLOSED SESSION

RECESS

COMMISSION INTERVIEWS - 6:00 PM

2. Subject: Economic Development Committee interviews

Recommended Action: Conduct interviews and make appointments for seven vacancies on the Economic Development Committee:

- a. One Sustainability Commissioner;
- b. One Technology, Information, and Communications Commissioner;
- c. One Hospitality/Tourism Sector Representative.
- d. One Education Sector Representative;
- e. One Retail/Small Business Representative;
- f. One Commercial Real Estate Representative;
- g. One Technology Sector Business Representative; and
- h. Make appointments for any alternates.

[A - Interview Schedule](#)

[B - Commission Diversity Resolution](#)

[C - Advisory Commissions Resolution](#)

[D - Economic Development Committee Powers and Functions](#)

[E - Economic Development Committee Interview Questions](#)

[F - Economic Development Committee Applications](#)

ADJOURNMENT

Lobbyist Registration and Reporting Requirements: Individuals who influence or attempt to influence legislative or administrative action may be required by the City of Cupertino's lobbying ordinance (Cupertino Municipal Code Chapter 2.100) to register and report lobbying activity. Persons whose communications regarding any legislative or administrative are solely limited to appearing at or submitting testimony for any public meeting held by the City are not required to register as lobbyists. For more information about the lobbying ordinance, please contact the City Clerk's Office at 10300 Torre Avenue, Cupertino, CA 94107; telephone (408) 777-3223; email cityclerk@cupertino.org; and website: www.cupertino.org/lobbyist.

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/cityclerk> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this 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, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and

writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

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, Cupertino, California 95014, during normal business hours; and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.



CITY OF CUPERTINO

Agenda Item

22-11804

Agenda Date:
11/29/2022 Agenda #: 1.

Subject: Conference with Legal Counsel - Existing Litigation Pursuant to Government Code § 54956.9: Nadav Samet v. Cupertino Union School District *et al.*, Santa Clara County Superior Court Case No. 22CV403285



CITY OF CUPERTINO

Agenda Item

22-11810

Agenda Date:
11/29/2022 Agenda #: 2.

Subject: Economic Development Committee interviews

Conduct interviews and make appointments for seven vacancies on the Economic Development Committee:

- a. One Sustainability Commissioner;
- b. One Technology, Information, and Communications Commissioner;
- c. One Hospitality/Tourism Sector Representative.
- d. One Education Sector Representative;
- e. One Retail/Small Business Representative;
- f. One Commercial Real Estate Representative;
- g. One Technology Sector Business Representative; and
- h. Make appointments for any alternates.

Economic Development Committee Interviews
Tuesday, November 29, 2022

TICC and SUSTAINABILITY COMMISSIONER				
	Time	Name	Candidates Other Choice	Notes:
1	6:05 PM	Vignesh Swaminathan		Sustainability Commissioner
2	6:10 PM	Mukesh Garg		TICC Commissioner
3	6:15 PM	Rajaram Soundararajan		TICC Commissioner
HOSPITALITY SECTOR				
	Time	Name	Candidates Other Choice	Notes:
1	6:20 PM	Claudio Bono		
2	6:25 PM	Zhibiao (Bill) Wu	Commercial Real Estate	
3	6:30 PM	Wayne Okubo	Retail	
EDUCATION SECTOR				
	Time	Name	Candidates Other Choice	Notes:
1	6:35 PM	Maria Tzankova		
2	6:40 PM	Janaka Ranatunga	Technology	
3	6:45 PM	Andy Huang	Technology	
4	6:50 PM	Aegean Lee	Retail	
5	6:55 PM	Jing Jing Yang	Technology	
6	7:00 PM	Rashmi Bharadwsj	Technology	
7	7:05 PM	Jia Wo		
	7:10 PM	10 minute break		
RETAIL/SMALL BUSINESS SECTOR				
	Time	Name	Candidates Other Choice	Notes:
1	7:20 PM	Brion Lau	Technology	
2	7:25 PM	Linda Well		
3	7:30 PM	Lanru Huang		
4	7:35 PM	Wayne Okubo	Hospitality	
5	7:40 PM	Eric Shan	Technology	Currently serving on Public Safety Commission
6	7:45 PM	Aegean Lee	Education	
7	7:50 PM	Vinu Krishnamurthy	Commercial Real Estate	
8	7:55 PM	Susan Chen	Commercial Real Estate	
9	8:00 PM	Helen Yang		
10	8:05 PM	Michael Wu		

COMMERCIAL REAL ESTATE SECTOR				
	Time	Name	Candidates Other Choice	Notes:
1	8:10 PM	Santosh Rao	Technology	
2	8:15 PM	Shyam (Sean) Panchal		
3	8:20 PM	Moon Choe		
4	8:25 PM	Zhibiao(Bill) Wu	Hospitality	
5	8:30 PM	Vinu Krishnamurthy	Retail	
6	8:35 PM	Susan Chen	Retail	
	8:40 PM	10 minute break		
TECHNOLOGY SECTOR				
	Time	Name	Candidates Other Choice	Notes:
1	8:50 PM	Santosh Rao	Commercial Real Estate	
2	8:55 PM	Brion Lau	Retail	
3	9:00 PM	Prakash Sripathy		
4	9:05 PM	Eric Shan	Retail	Currently serving on Public Safety Commission
5	9:10 PM	Priya Shastri		
6	9:15 PM	Kevin Wang		
7	9:20 PM	Jon Crockett		
8	9:25 PM	Richard Lowenthal		
9	9:30 PM	Janaka Ranatunga	Education	
10	9:35 PM	Bhavin Merchant		
11	9:40 PM	Jing Jing Yang	Education	
12	9:45 PM	Andy Huang	Education	
13	9:50 PM	Rashmi Bharadwsj	Education	
	9:55 PM	10 minute break followed by debrief and voting		
		Vote for 1 TICC and 1 Sustainability Commissioner, 1 Hospitality, 1 Education, 1 Retail/Small Business, 1 Commercial Real Estate, and 1 Technology representative, and appoint any alternates.		
Per City Code 2.96.02, Committee Members serve at the pleasure of the City Council. Initial appointments for five members is envisioned for two-year terms and for four members to four-year terms. Council may decide, however, to abbreviate a term, specifically, for the Commission seats, should a given applicant not have two years remaining in the person's Commission term				

RESOLUTION NO. 03-203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ESTABLISHING A POLICY EMBRACING THE CITY'S DEMOGRAPHIC DIVERSITY (ADVISORY COMMISSIONS AND COMMITTEES)

WHEREAS, the City intends to provide efficient, effective and equitable governmental services to all of Cupertino, and

WHEREAS, respect for all cultures, and other demographic differences is the foundation of Cupertino's future, and

WHEREAS Cupertino's residents are its most important resource, their cultural and economic diversity provides the living fabric that binds Cupertino together, and

WHEREAS, the involvement and commitment of the entire Cupertino community produces a better quality of life with residents and city government working in partnership, and

WHEREAS, it is vital in maintaining a high performing, productive city government in which each resident and each city employee is valued for his or her unique gifts and talents, that the city capitalize on the innovation inherent within the community and within city government, and

WHEREAS, the City of Cupertino recognize that diversity includes culture, gender, age and other important demographic differences within the City and that valuing each diversity is fundamental in the way the City provides services to its residents, and

WHEREAS, the City believes that diverse city commissions and committees provide advantages offered by a variety of diverse perspectives and in increasing the City's ability to serve its diverse population.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

I. Commissions and Committees

- A. To foster comprehensive representation within advisory commissions and committees, it would be advantageous for new members to represent the community by such factors as culture, gender, age, and location of residency within the city.
- B. In the conduct of their business, commission and committee members shall pursue the benefit of a variety of perspectives in making decisions.
- C. Commissions and committees increase the city's potential, effectiveness and creativity as an organization by offering a wide range of approaches and perspectives to addressing issues and solving problems.

II. Other means of communicating this policy to the general public

The City of Cupertino's embracing of diversity will also be communicated and reflected through such means as festivals and events, recreation and education programs, public art, city publications and media programming.

III. Dissemination and enforcement of this policy

This policy shall be incorporated into the following:

- 1) All notices seeking commission and committee applications;
- 2) Shall be adopted by the City Manager as an administrative procedure, who shall be responsible for the implementation of this policy. From time to time, the City Manager will report the status of such implementation to the City Council;
- 3) Shall be posted at both the City Clerk's Office and at the City's Department of Human Resources.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 3rd day of November 2003, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Chang, James, Lowenthal, Kwok, Sandoval
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

/s/ Kimberly Smith

City Clerk

APPROVED:

/s/ Michael Chang

Mayor, City of Cupertino

RESOLUTION NO. 16-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO RESCINDING RESOLUTION NO. 10-048 AND AMENDING THE RESOLUTION ESTABLISHING RULES GOVERNING RECRUITMENT, ATTENDANCE, APPOINTMENTS, AND VACANCIES ON CITY ADVISORY BODIES TO ADD DESIGNATED ALTERNATES TO THE INTERVIEWS AND APPOINTMENTS PROCESS

WHEREAS, the City of Cupertino wishes to establish uniform terms and conditions of office for advisory commissions; and

WHEREAS, there are within the City of Cupertino many citizens with talent, expertise and experience who wish to serve the community; and

WHEREAS, the City Council believes it is important to provide these citizens the opportunity to contribute to their community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino rescinds Resolution No. 10-048 and establishes the following rules governing recruitment, appointment and reappointment to City of Cupertino Advisory bodies.

A. RECRUITMENT

1. Two months before regular terms expire, or immediately following receipt of a resignation, the City Clerk distributes the vacancy notice as follows:
 - The Cupertino Scene
 - The Cupertino Courier
 - The World Journal
 - The Cupertino City Channel
 - City Hall bulletin board
 - The City Clerk's Office
 - The Cupertino Library
 - The Cupertino Chamber of Commerce
 - Cupertino City Web site
 - Other organizations as appropriate with respect to the openings
 - All persons with applications on file for that particular commission

Resolution No. 16-137

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2. Two months before regular terms expire, the City Clerk's Office also mails the vacancy notice to the following individuals:
 - Students and graduates of Cupertino Emergency Response Training
 - Students or graduates of Leadership Cupertino
 - Neighborhood Block Leaders
 - Individuals who have signed up for notification at the Cupertino Town Hall meetings.
3. All vacancy notices and posting shall be done in accordance with the provisions of the Maddy Act, California Government Code 54970. Specifically, vacancy notices shall be posted for a minimum of 10 days.
4. Applications will be retained for a maximum of one year after Council review. After that time, applicants shall submit a new application if they wish to remain on the list for consideration.
5. Those persons with applications on file within one year of Council review are advised of the vacancy by the City Clerk and may activate that application. –Upon receipt of the vacancy notice, the applicant must contact the City Clerk's Office and ask that the application be reactivated.
6. An applicant may file for a maximum of two commissions at any one application period.
7. A member of an advisory body, having completed two consecutive terms, must wait two years after the term would have normally ended before being eligible to apply for the same commission or committee.
8. Application forms will be available in the City Clerk's Office and will be mailed upon request with information about the opening(s). Application forms will also be available on the City's Web site.
9. No application shall be accepted after the deadline.
10. When the final deadline has passed, the City Clerk's Office will mail applicants the date, time and location of the interviews along with sample questions to consider.

11. The City Clerk's Office will copy the applicants' written material for Council members. The written material will also be available for public review in the City Clerk's Office.
12. An applicant who is unable to attend the interview may submit a 5-minute video presentation in advance of the interview meeting. The tape will be reviewed at the meeting. The video will be made by City staff at the applicant's request upon the approval of the City Clerk. The City will fund these costs.

B. INTERVIEWS AND APPOINTMENTS

1. When Council meets to conduct interviews, it is a public meeting subject to the Brown Act and therefore open to the public. The candidates will be asked by the City Clerk (either in person or by written instructions left in the waiting area) to remain seated in the waiting area until they are called in for the interview. Candidates will also be asked to return to the waiting area until the announcement of the vote, or to go home and contact the City Clerk's Office the next day regarding the results. However, all applicants and members of the public have the option of remaining in the room for any or all of the meeting.
2. The order in which interviews are scheduled to take place will be determined by a drawing of names. The City Clerk will do this in advance.
3. Interviews are informal and usually last 5-8 minutes. Council members are looking for:
 - Familiarity with the subject
 - Decision-making ability
 - Commitment to the position for which they have applied
4. Appointments will be made following a vote in public. Ballots will be distributed, and Council members will vote and sign the ballots. The City Clerk will announce the votes.

5. The City Council may appoint alternates to serve on boards, commissions and committees in the event of a vacancy. Such alternates may attend and participate in meetings of the board, commission, or committee but shall not vote in such meetings until such time as a vacancy has occurred and the alternate has filled such vacancy. If the City Council appoints more than one alternate for a particular board, commission or committee, the City Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first alternate shall fill such vacancy without the need for further City Council action.

C. UNSCHEDULED VACANCIES AND ATTENDANCE

1. If a vacancy occurs for an unexpired term and interviews for appointment to that advisory body have been conducted within the previous ninety days, the unexpired term may be filled from those applications following the required posting of the vacancy.
2. The notice of unscheduled vacancy shall be posted no earlier than 20 days before nor later than 20 days after the vacancy occurs, and at least 10 working days before appointment. The notice of unscheduled vacancy must be posted in the Office of the City Clerk, at the City Hall bulletin board, at the Cupertino Library, and in other places designated by the City Clerk.
3. A member shall be considered removed from an advisory body under the following conditions.
 - A member misses more than three consecutive meetings
 - A member misses more than 25% of the advisory body's meetings in a calendar year
4. It is the responsibility of the advisory body's staff liaison to notify the City Clerk of a member's attendance record to allow sufficient time to send a warning notice if the member has missed three consecutive meetings or 25% of the meetings, and to send a termination notice if the member has missed more three consecutive meetings or more than 25% of the meetings in a calendar year.

5. A member who has been removed from an advisory body for inadequate attendance may request a waiver of this provision by submitting a letter to the City Council setting forth the reason for the absences and confirming future availability.

D. GENERAL PROVISIONS

1. Term limit restrictions listed in this resolution do not apply to temporary appointments for unexpired terms.
2. All provisions of this resolution shall apply unless otherwise decided by the City Council on a case-by-case basis.
3. In the event that any provision of this resolution conflicts with the provisions of any other ordinance or resolution governing a particular advisory body, the provisions governing that advisory body shall prevail.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 20th day of December, 2016, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:	Vaidhyanathan, Chang, Scharf, Sinks
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NOES:	None
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ABSENT:	Paul
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ABSTAIN:	None
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ATTEST:

APPROVED:

/s/ Grace Schmidt

/s/ Savita Vaidhyanathan

Grace Schmidt, City Clerk

Savita Vaidhyanathan, Mayor,
City of Cupertino

2.96.080 Powers and functions.

A. The powers and functions of the Committee shall be to serve in an advisory capacity to the City Council and to provide expertise and guidance on policy related to economic development. The Committee shall also actively promote Cupertino as a location of choice for current and prospective businesses.

B. To fulfill their mission, the Committee may involve itself in the following activities:

1. Make recommendations to the City Council on a broad range of strategic matters broadly applicable to the City's economic development goals;
2. Serve as an ambassador to shed a positive light on the City by sharing economic development resources and information to prospective businesses and stakeholders, thus positioning the City as a location of choice; and
3. Encourage public/private partnerships to further the City's economic development goals by identifying potential resources.

(Ord. 22-2240, § 1 (part), 2022)

QUESTIONS FOR ECONOMIC DEVELOPMENT COMMITTEE APPLICANTS

1. What makes you a good fit for the Economic Development Committee?
2. What qualifies you to serve on the Economic Development Committee as a representative of the _____ (*insert one: Technology, Education, Commercial Real Estate, Small Business, Hospitality*) industry sector?

The Economic Development Committee is subject to the Political Reform Act and members are required to submit Statements of Economic Interest upon appointment and annually thereafter.

Applications are available in the City Clerk's Office 408-777-3223.