



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 1, 2015**

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Mayor Rod Sinks, Vice Mayor Barry Chang and Council members Savita Vaidhyathan, Darcy Paul and Gilbert Wong. Absent: None.

CEREMONIAL MATTERS AND PRESENTATION

1. Subject: Update from Teen Commission
Recommended Action: Receive update

Written communications for this item included a PowerPoint presentation.

Teen Commissioners Annabelle Chan and Anooj Vadodkar gave an update via a PowerPoint presentation.

Council received the update.

2. Subject: Update from Fine Arts Commission
Recommended Action: Receive update

Written communications for this item included a PowerPoint presentation.

Fine Arts Commissioner Mike Sanchez gave an update via a PowerPoint presentation.

Council received the update.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Assembly member Evan Low presented a Certificate of Recognition to outgoing Mayor Sinks.

Wendell Stephens on behalf of Cupertino Rotary talked about urging Council to set a study session regarding the potential lease of the Stockmeir property.

Ro Khanna, lecturer of economics at Stanford University and Congressional candidate congratulated Sinks and Chang on their service to the community and offered support for Community Choice Energy.

Eric Schaefer talked about the poll he created on nextdoor.com regarding the Hills at Vallco project.

Manny Cappello, Vice Mayor of Saratoga talked about collaboration with the neighboring cities and looking forward to next year.

CONSENT CALENDAR

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

3. Subject: Approve the November 17 City Council minutes
 Recommended Action: Approve the minutes
4. Subject: Accept Accounts Payable for the period ending October 23, 2015
 Recommended Action: Adopt Resolution No. 15-105 accepting Accounts Payable for the period ending October 23, 2015
5. Subject: Accept Accounts Payable for the period ending October 30, 2015
 Recommended Action: Adopt Resolution No. 15-106 accepting Accounts Payable for the period ending October 30, 2015
6. Subject: Accept Accounts Payable for the period ending November 6, 2015
 Recommended Action: Adopt Resolution No. 15-107 accepting Accounts Payable for the period ending November 6, 2015

7. Subject: California State Law AB1717, Local Prepaid Mobile Telephony Services Collection Act effective January 1, 2016
Recommended Action: a.) Adopt Resolution No. 15-108 authorizing the City Manager to Execute the Agreement with the State Board of Equalization; and b.) Adopt Resolution No. 15-109 authorizing the Examination for the Prepaid Mobile Telephony Services Surcharge and Local Charge Records
8. Subject: Letter to President Obama expressing support for the Clean Power Plan and transitioning U.S. energy consumption to 100% renewable by 2050
Recommended Action: Authorize the Mayor to sign a letter to President Obama in support of the Clean Power Plan and transitioning the nation's energy consumption to be 100% renewable by 2050
9. Subject: Participate in the Compact of Mayors by sending a letter of commitment to the Compact of Mayors Secretariat.
Recommended Action: Authorize the Mayor to sign the letter of commitment to the Compact of Mayors, joining coalitions of mayors and city officials worldwide committing to reduce local greenhouse gas emissions and enhance resilience to climate change.
10. Subject: Participation in the Institute for Local Government's Beacon Award: Local Leadership toward Solving Climate Change Recognition Program
Recommended Action: Adopt Resolution 15-110 supporting the City's participation in the Institute for Local Government's Beacon Award: Local Leadership toward Solving Climate Change Recognition Program.
11. Subject: Declare weeds a nuisance and set hearing date of January 19 for objections to proposed removal
Recommended Action: Adopt Resolution No. 15-112 declaring weeds a nuisance and setting hearing date of January 19 for objections to proposed removal
12. Subject: Blackberry Farm Golf Course Maintenance Agreement, Contract Award
Recommended Action: Authorize the City Manager to award, negotiate and execute a contract with Professional Turf Management of San Jose, California in the amount of \$99,600, as selected through a Request for Qualification process, and further authorize the City Manager to execute annual extensions to the contract for up to five years based upon the pricing in the bid documents, subject to appropriation

13. Subject: Application for Alcoholic Beverage License for Yayoi, 20682 & 20684 Homestead Road
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Yayoi, 20682 & 20684 Homestead Road
14. Subject: Application for Alcoholic Beverage License for Pieology Pizzeria, 19409 Stevens Creek Boulevard, Suite 140
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Pieology Pizzeria, 19409 Stevens Creek Boulevard, Suite 140
15. Subject: Application for Alcoholic Beverage License for Tofu Plus, 10971 North Wolfe Road
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Tofu Plus, 10971 North Wolfe Road
16. Subject: Application for Alcoholic Beverage License for Starbucks #5217, 20520 Stevens Creek Boulevard
Recommended Action: Recommend approval of the Alcoholic Beverage Control License to the California Department of Alcoholic Beverage Control for Starbucks #5217, 20520 Stevens Creek Boulevard
17. Subject: Application for Alcoholic Beverage License for Yoshida Restaurant, 10700 South De Anza Boulevard
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Yoshida Restaurant, 10700 South De Anza Boulevard

SECOND READING OF ORDINANCES

18. Subject: Second reading of an Ordinance amending Section 2.04.010 of the Cupertino Municipal Code regarding regular City Council meetings that fall on any Election Tuesday in a regular Cupertino election year
Recommended Action: Conduct the second reading and enact Ordinance No. 15-2137: "An Ordinance of the City Council of the City of Cupertino amending Section 2.04.010 of Chapter 2.04 of Title 2 of the Cupertino Municipal Code regarding regular City

Council meetings that fall on any Election Tuesday in a regular Cupertino election year"

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Chang seconded to read Ordinance No. 15-2137 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Sinks, Chang, Paul, Vaidhyanathan and Wong. Noes: None. Abstain: None. Absent: None.

Wong moved and Chang seconded to enact Ordinance No. 15-2137. Ayes: Sinks, Chang, Paul, Vaidhyanathan and Wong. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

19. Subject: Approve actions related to the formation of, and Cupertino's membership in, the Silicon Valley Clean Energy Authority, an independent joint powers authority, which will provide a Community Choice Aggregation Program to offer clean energy alternatives for Cupertino residents and businesses; and related CEQA action
Recommended Action: 1. Accept the Silicon Valley Community Choice Energy Technical Study Draft Report, and find that the proposed actions are exempt from CEQA; and 2. Conduct the first reading of the Ordinance No. 15-2138: "An Ordinance of the City Council of the City of Cupertino Authorizing the Implementation of a Community Choice Aggregation Program" to create and participate in the Silicon Valley Clean Energy Authority; and 3. Adopt Resolution No. 15-111 of the City Council of the City of Cupertino Approving the Joint Powers Agreement Establishing the Silicon Valley Clean Energy Authority; and 4. Authorize the City Manager to remit up to \$450,000, as previously budgeted, to the Silicon Valley Clean Energy Authority to support the initial costs of the Authority; and 5. Approve an increase to the Fiscal Year 2015-16 Sustainability Division Special Project Budget of \$100,000 for project contingency as outlined in the JPA; and 6. Direct staff to return to Council with an update and potential action regarding bridge financing for the Authority; and 7. Direct staff to return to Council with a proposal to provide interim project and/or staffing support to the Authority via a separate services agreement; and 8. Direct staff to return to Council for appointment of a regular Director and alternate Director to the Authority's Board of Directors

Written communications for this item included emails to Council, copy of Appendix A from Attachment A, and a staff PowerPoint presentation.

Assistant to the City Manager Erin Cooke reviewed the staff report via a PowerPoint presentation.

Staff and Kirby Dusel of Pacific Energy Advisors answered questions from Council.

The following individuals spoke in support of this item:

Tim Brand

John Scarboro on behalf of Carbon Free Mountain View

Jan Butts on behalf of the Sierra Club

Bruce Karney, Board President Carbon Free Mountain View

Mike Balma on behalf of Carbon Free Mountain View

Rose Friedland

John Bartas

Richard Adler

Rhoda Fry

Paula Wallis

Gary Latshaw on behalf of Sierra Club

Wong moved and Chang seconded to accept the Silicon Valley Community Choice Energy Technical Study Draft Report and find that the proposed actions are exempt from CEQA; adopt Resolution No. 15-111 approving the Joint Powers Agreement (JPA) establishing the Silicon Valley Clean Energy Authority; authorize the City Manager to remit up to \$450,000, as previously budgeted, to the Silicon Valley Clean Energy Authority to support the initial costs of the Authority; approve an increase to the Fiscal Year 2015-16 Sustainability Division Special Project Budget of \$100,000 for project contingency as outlined in the JPA; direct staff to return to Council with an update and potential action regarding bridge financing for the Authority; direct staff to return to Council with a proposal to provide interim project and/or staffing support to the Authority via a separate services agreement; direct staff to return to Council for appointment of a regular Director and alternate Director to the Authority's Board of Directors. The motion carried unanimously.

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Paul seconded to read Ordinance No. 15-2138 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Sinks, Chang, Paul, Vaidhyanathan and Wong. Noes: None. Abstain: None. Absent: None.

REPORTS BY COUNCIL AND STAFF

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

ELECTION OF MAYOR AND VICE MAYOR

20. Subject: Council members elect Mayor
Recommended Action: Make nominations and elect Mayor

Vaidhyanathan moved and Wong seconded to nominate Barry Chang as Mayor. The motion carried unanimously.

21. Subject: Council members elect Vice Mayor
Recommended Action: Make nominations and elect Vice Mayor

Chang moved and Paul seconded to nominate Savita Vaidhyanathan as Vice Mayor. The motion carried unanimously.

OATH OF OFFICE

22. Subject: Mayor takes Oath of Office
Recommended Action: Mayor takes Oath of Office

District Attorney Jeff Rosen gave the Oath of Office to Mayor Barry Chang.

23. Subject: Vice Mayor takes Oath of Office
Recommended Action: Vice Mayor takes Oath of Office

District Attorney Jeff Rosen gave the Oath of Office to Vice Mayor Savita Vaidhyanathan.

COMMENTS BY NEW MAYOR

24. Subject: Comments by new Mayor and presentation of gifts

Recommended Action: Comments by new Mayor and presentation of gifts

New Mayor Barry Chang presented a gavel plaque to outgoing Mayor Rod Sinks.

City Manager David Brandt noted that a gift on behalf of staff would be given to outgoing Mayor Rod Sinks.

New Mayor Barry Chang made comments.

COMMENTS BY COUNCIL MEMBERS AND PUBLIC

25. Subject: Comments by Council members

Recommended Action: Comments by Council members

Council members made comments.

26. Subject: Members of the audience are invited to speak

Recommended Action: Members of the audience are invited to speak

Members of the audience made comments.

RECEPTION

27. Subject: The public is invited to attend a reception in the lobby

Recommended Action: The public is invited to attend a reception in the lobby

Mayor Chang invited the public to attend a reception in the lobby.

ADJOURNMENT

At 9:42 p.m., Mayor Chang adjourned the meeting to Tuesday, January 19. Note: December 15 and January 5 Council meetings have been cancelled.

/s/Grace Schmidt

Grace Schmidt, City Clerk

Staff reports, backup materials, and items distributed at the City Council meeting are available for review at the City Clerk's Office, 777-3223, and also on the Internet at www.cupertino.org. Click on Agendas & Minutes, then click on the appropriate Packet.

Most Council meetings are shown live on Comcast Channel 26 and AT&T U-verse Channel 99 and are available at your convenience at www.cupertino.org. Click on Agendas & Minutes, and then click Archived Webcast. Videotapes are available at the Cupertino Library, or may be purchased from the Cupertino City Channel, 777-2364.