



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, January 24, 2017**

SPECIAL CITY COUNCIL MEETING

ROLL CALL

At 5:00 p.m. Mayor Savita Vaidhyanathan called the City Council meeting to order in Cupertino 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.

CLOSED SESSION

1. Subject: Conference with Legal Counsel- Existing litigation (Paragraph (1) of subdivision (d) of Gov't Code Section 54956.9). Name of Case: Alice Palmer v. City of Cupertino, et al., Santa Clara County Superior Court Case No. 16 CV301228

Mayor Vaidhyanathan announced that Council gave direction to staff. Sinks recused.

2. Subject: Conference with Legal Counsel- Existing litigation (Paragraph (1) of subdivision (d) of Gov't Code Section 54956.9); Name of Case: Committee Supporting Cupertino Citizen's Sensible Growth Initiative, et al. v. City of Cupertino, et al., Santa Clara County Superior Court Case No. 16 CV296322; Court of Appeal, Sixth Appellate District, Case No. H043940

Mayor Vaidhyanathan announced that Council gave direction to staff. Scharf recused.

3. Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: APN 375-21-001, Lawrence Expressway at Mitty Avenue and APN 381-19-015, Lawrence Expressway at Doyle Road. Agency Negotiators: Jaqui Guzman. Negotiating Parties: San Jose Water Company; County Roads and Airports; City of San Jose. Under Negotiation: Price and terms of payment

Mayor Vaidhyanathan announced that Council gave direction to staff.

At 6:45 p.m. Mayor Savita Vaidhyanathan reconvened the City Council meeting in Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

ROLL CALL

Present: Mayor Savita Vaidhyanathan, and Councilmembers Barry Chang, Steven Scharf and Rod Sinks. Absent: Vice Mayor Darcy Paul.

CEREMONIAL MATTERS AND PRESENTATIONS

4. Subject: Fine Arts Commission presentation of the Young Artist Award to three Cupertino elementary school students
Recommended Action: Receive Fine Arts Commission presentation of the Young Artist Award to three Cupertino elementary school students

Members from the Fine Arts Commission and Mayor Vaidhyanathan presented the Young Artist Award to three Cupertino elementary school students.

Council received the presentation.

5. Subject: Presentation from the Fine Arts Commission of completed 2016 Work Plan items
Recommended Action: Receive presentation from the Fine Arts Commission of completed 2016 Work Plan items

Written communications for this item included a PowerPoint presentation.

Commission Chair Diana Matley presented the Fine Arts Commission completed 2016 Work Plan items via a PowerPoint presentation.

Council received the presentation.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Rick Kitson from Cupertino Chamber of Commerce talked about the Lunar New Year Luncheon to be held on February 10 at 1:30 p.m. at Dynasty Restaurant. (He distributed a flyer).

Lindsey Gauci from Cupertino Morningmasters Toastmasters Club talked about an open house being held on January 26 at Bethel Lutheran Church.

Joe Hamilton from Cupertino Rotary talked about what the Rotary Club is and does.

Cathy Helgersen talked about a solution for the revitalization of Vallco.

Sabrina Rick thanked Councilmembers for their service and talked about recognizing the challenges and difficulties in governing.

Chris Moylan District Director for Congressman Ro Khanna introduced himself, conveyed the Congressman's greetings and encouraged contact if needed.

Dolly Sandoval talked about upcoming commission interviews and appointments and asked Council to weigh applicant experiences, especially for Planning Commission. (She distributed written comments).

CONSENT CALENDAR

Sinks moved and Chang seconded to approve the items on the Consent Calendar as presented except for item numbers 12, 14 and 17 which were pulled for discussion. Ayes: Vaidhyathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the December 20 City Council minutes
Recommended Action: Approve the December 20 City Council minutes
7. Subject: Accept Accounts Payable for the period ending November 11, 2016
Recommended Action: Adopt Resolution No. 17-001 accepting Accounts Payable for the period ending November 11, 2016
8. Subject: Accept Accounts Payable for the period ending November 18, 2016
Recommended Action: Adopt Resolution No. 17-002 accepting Accounts Payable for the period ending November 18, 2016
9. Subject: Accept Accounts Payable for the period ending November 23, 2016
Recommended Action: Adopt Resolution No. 17-003 accepting Accounts Payable for the period ending November 23, 2016

10. Subject: Annual Report for Fiscal Year 2015-2016
Recommended Action: Accept Annual Report from July 1, 2015 to June 30, 2016 (Attachment A)
11. Subject: Council committee appointments
Recommended Action: Approve Council committee appointments
12. Subject: Consider adopting a resolution supporting the prohibition of industrial clear-cut logging in the forests of California
Recommended Action: Adopt Resolution No. 17-004 supporting the prohibition of industrial clear-cut logging in the forests of California

Deputy City Manager Jaqui Guzman gave some additional information as requested by Council.

Paul moved and Chang seconded to adopt Resolution No. 17-004 supporting the prohibition of industrial clear-cut logging in the forests of California. The motion carried unanimously.

13. Subject: Letters of support for SB 1 and AB 1 regarding transportation funding
Recommended Action: Direct staff to send letters of support for SB 1 and AB 1 from the City Manager
14. Subject: Citywide Parks, Open Space and Recreation Master Plan agreement for consultant services
Recommended Action: Authorize the City Manager to negotiate and execute a consultant services agreement for preparation of the Citywide Parks, Open Space and Recreation Master Plan for a fee not to exceed \$210,000 and authorize a contingency allowance anticipated to be \$40,000 and subject to approval of the City Manager.

City Manager David Brandt introduced Jeff Milkes, the new Director of Recreation and Community Services and gave additional information as requested by Council.

Cathy Helgersen spoke on this item.

Paul moved and Chang seconded to authorize the City Manager to negotiate and execute a consultant services agreement for preparation of the Citywide Parks, Open Space and Recreation Master Plan for a fee not to exceed \$210,000 and authorize a

contingency allowance anticipated to be \$40,000 and subject to approval of the City Manager. The motion carried unanimously.

15. Subject: 2015 Contractual Janitorial Services - Project No. 2015-23, contract amendment
Recommended Action: Staff recommends Council take the following actions: 1. Authorize the City Manager to execute an amendment (Attachment A) to the current janitorial services contract to provide for increased contractor compensation due to the adoption of City's Minimum Wage Ordinance (Ordinance No. 2151); and 2. Adopt Resolution No. 17-005 amending approved FY 16/17 Operating Budget by an additional amount of \$35,000 for janitorial services (Attachment B)
16. Subject: Application for Alcohol Beverage License for Gogigo, Inc. (dba Gogigo Korean BBQ), 10815 N. Wolfe Road, Bldg A Suite A3
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Gogigo, Inc (dba Gogigo Korean BBQ), 10815 N. Wolfe Road, Bldg A Suite A3
17. Subject: 2017 CDBG City-Wide Curb Ramp Installation Project, Project No. 2017-109
Recommended Action: Authorize the City Manager to award and execute a contract with JJR Construction, Inc., in the amount of \$233,100 and approve a construction contingency of \$11,900, for a total of \$235,000

Director of Public Works Timm Borden gave additional information as requested by Council.

Paul moved and Chang seconded to authorize the City Manager to award and execute a contract with JJR Construction, Inc., in the amount of \$233,100 and approve a construction contingency of \$11,900, for a total of \$235,000. The motion carried unanimously.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS - None

REPORTS BY COUNCIL AND STAFF

18. Subject: Lehigh Cement Plant Noise Monitoring report

Recommended Action: Receive the Lehigh Cement Plant Noise Monitoring report. No action is required

Written communications for this item included emails to Council and a staff PowerPoint presentation.

Assistant Director of Public Works Roger Lee presented the Lehigh Cement Plant Noise Monitoring report via a PowerPoint presentation.

Consultant Randy Waldeck from CSDA Design Group answered questions from Council.

The following individuals spoke on this item:

Cathy Helgerson on behalf of Cupertino Citizens Against Pollution (distributed written comments)

Meir Statman

Tammy White

Amit Butala

Chris Prihe

Janet Geiger

Rhoda Fry (distributed written comments)

Panos Kougiouris

Council received the Lehigh Cement Plant Noise Monitoring report and authorized the Mayor to send a letter to the County Supervisor and the Department of Planning requesting a review of the complaints and the hearing, and to characterize the noise from particular points in the facility during normal operations (maintenance period is over); and bring the item back to a future Council date for further discussion.

19. Subject: Report from Valley Transportation Authority (VTA) regarding Next Network Program

Recommended Action: Receive Report from Valley Transportation Authority (VTA) regarding Next Network Program

Written communications for this item included the VTA Draft Transit Service Plan and a PowerPoint presentation.

Adam Burger, VTA Senior Transportation Planner gave a report regarding the Next Network Program via a PowerPoint presentation.

Jean Bedord spoke on this item and distributed written comments.

Council received the report.

20. 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 10:32 p.m., Mayor Vaidhyanathan adjourned the meeting.

Grace Schmidt, City Clerk