



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, August 15, 2017

SPECIAL CITY COUNCIL MEETING

At 5:30 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.

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.

CLOSED SESSION

1. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Two Cases

Mayor Vaidhyanathan announced that Council gave direction to staff.

2. Subject: Conference with Real Property Negotiators (Government Code Section 54956.8); Property: Cupertino Municipal Water System; Agency Negotiator: Timm Borden; Negotiating Parties: City of Cupertino and San Jose Water Company; Under Negotiation: Terms for City Leased Asset

Mayor Vaidhyanathan announced that Council gave direction to staff.

3. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9 Name of case: Michael Drake v. Ramon Yanovsky; Roman Yanovsky v. City of Cupertino, et al. (cross-action), Santa Clara County Superior Court Case No. 114CV690216

Mayor Vaidhyanathan announced that Council gave direction to staff.

REGULAR CITY COUNCIL MEETING**ROLL CALL**

At 6:54 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.

Present: Mayor Savita Vaidhyanathan, Vice Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks (6:57).

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation from the Teen Commission Summarizing 2016-2017 Projects and Accomplishments
Recommended Action: Receive presentation from Teen Commission Summarizing 2016-2017 Projects and Accomplishments

Written communications for this item included a presentation.

Members from the Teen Commission gave a presentation summarizing the 2016-2017 projects and accomplishments of the Commission.

Council received the presentation from Teen Commission summarizing 2016-2017 projects and accomplishments.

2. Subject: Certificates of Recognition to the Santa Clara Valley Water District and Grassroots Ecology for the McClellan Ranch Preserve Meadow Restoration Project
Recommended Action: Present certificates of recognition to the Santa Clara Valley Water District and Grassroots Ecology for the McClellan Ranch Preserve Meadow Restoration Project

Mayor Vaidhyanathan presented Certificates of Recognition to Santa Clara Valley Water District Director Nai Hsueh and Executive Director of Grassroots Ecology Alex Von Feldt.

Council received the presentation of Certificates of Recognition to the Santa Clara Valley Water District and Grassroots Ecology for the McClellan Ranch Preserve Meadow Restoration Project.

3. Subject: Proclamation to Recognize and Provide Thanks to the First Baptist Church of Cupertino for Their Support During Summer 2017
Recommended Action: Present Proclamation to Recognize and Provide Thanks to the First Baptist Church of Cupertino for Their Support During Summer 2017

Mayor Vaidhyanathan presented a Proclamation to Pastor Justice Duran.

Council received the presentation of a Proclamation to recognize and provide thanks to the First Baptist Church of Cupertino for their support during summer 2017.

4. Subject: Proclamation to honor India Independence Day on August 15, 2017
Recommended Action: Present Proclamation to honor India Independence Day on August 15, 2017

Mayor Vaidhyanathan presented a Proclamation to a representative from the Bhubaneshwar Sister City Committee.

Council received the presentation of a Proclamation to honor India Independence Day on August 15, 2017.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Willie Solis on behalf of Mechanical, Electrical, Pipe-Plumbers, Sprinkler-Fitters (MEPS) Building Trades talked about wage theft.

Neha Sarkar talked about park closure at Somerset Park.

Robin Acosta and Farhad Moshtagh on behalf of the Baha'i Faith talked about the upcoming 200th anniversary.

Luke Lang talked about San Jose's Stevens Creek Urban Village project.

Jean Bedord talked about the recent Speaker Series on Creating Community Together (distributed written comments).

Liana Crabtree talked about San Jose's Stevens Creek Urban Village project.

Ignatius Y. Ding talked about members from a K.T. Urban consulting firm called Imprinta

Communications who were present at the last Council meeting.

Ruth Silver Taube on behalf of Santa Clara County Wage Theft Coalition talked about wage theft (distributed written comments).

Caryl Gorska talked about parliamentary procedure at Council meetings.

Frank Geefay talked about revitalization of malls in Cupertino, housing, and traffic.

Richard Lowenthal talked about the upcoming speaker series on housing and the Council process regarding development projects.

Jon Willey talked about San José's Stevens Creek Urban Village project.

Lisa Warren talked about procedure during Council meetings.

CONSENT CALENDAR

Sinks moved and Vaidhyanathan seconded to approve the items on the Consent Calendar with the exception of item number 15 which was pulled for discussion as presented. Ayes: Vaidhyanathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the August 1 City Council minutes
Recommended Action: Approve the August 1 City Council minutes
6. Subject: Accept Accounts Payable for the period ending May 19, 2017
Recommended Action: Adopt Resolution No. 17-074 accepting Accounts Payable for the period ending May 19, 2017
7. Subject: Accept Accounts Payable for the period ending May 26, 2017
Recommended Action: Adopt Resolution No. 17-075 accepting Accounts Payable for the period ending May 26, 2017
8. Subject: Accept Accounts Payable for the period ending June 2, 2017
Recommended Action: Adopt Resolution No. 17-076 accepting Accounts Payable for the period ending June 2, 2017
9. Subject: Accept Accounts Payable for the period ending June 9, 2017
Recommended Action: Adopt Resolution No. 17-077 accepting Accounts Payable for the period ending June 9, 2017

10. Subject: Accept Accounts Payable for the period ending June 16, 2017
Recommended Action: Adopt Resolution No. 17-078 accepting Accounts Payable for the period ending June 16, 2017
11. Subject: Accept Accounts Payable for the period ending June 23, 2017
Recommended Action: Adopt Resolution No. 17-079 accepting Accounts Payable for the period ending June 23, 2017
12. Subject: Budget appropriation of \$147,810 to account number 100-88-844 900-923 for the agreement between the City of Cupertino and TJKM Transportation Consultants for the Apple Campus 2 Transportation Demand Management Monitoring Project
Recommended Action: Approve the budget appropriation of \$147,810 to account number 100-88-844 900-923 for the agreement between the City of Cupertino and TJKM Transportation Consultants for the Apple Campus 2 Transportation Demand Management Monitoring Project
13. Subject: State Assembly Bill 262 (Bonta, Eggman, and Steinorth): Buy Clean California Act
Recommended Action: Adopt a position of support on Assembly Bill 262 (Bonta, Eggman, and Steinorth): Buy Clean California Act and authorize the Mayor to send letters in support of this bill

Written communications for this item included an amended staff report.

14. Subject: Agreement between the City of Cupertino and Callander Associates Landscape Architecture, Inc. for professional design services to prepare and deliver the I-280 Channel Trail Feasibility Study
Recommended Action: Approve an Agreement between the City of Cupertino and Callander Associates Landscape Architecture, Inc. in the amount not to exceed \$299,935 from the date of execution through June 30, 2019, and authorize the Director of Public Works to negotiate and execute all necessary documents to carry out all consultant services for the I-280 Channel Trail Feasibility Study
15. Subject: Agreement between the City of Cupertino and Alta Planning + Design, Inc. for professional design services to prepare and deliver the Union Pacific Railroad Trail Feasibility Study
Recommended Action: Approve an Agreement between the City of Cupertino and Alta Planning + Design, Inc. in the amount not to exceed \$259,889 from the date of execution through June 30, 2019, and authorize the Director of Public Works to negotiate and

execute all necessary documents to carry out all consultant services for the Union Pacific Railroad Trail Feasibility Study

Sinks moved and Vaidhyanathan seconded to continue this item to a future meeting after staff has met with the Union Pacific Railroad regarding trail feasibility. The motion carried unanimously.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

16. Subject: Consider whether to authorize the formal submission of General Plan Amendment applications for the three proposals received in the 2017 Second Cycle including: 16A - Hotel at Cupertino Village site; 16B - Hotel at Good Year Tire store site; and 16C - Mixed-use development at the Oaks Shopping Center (*16A and 16B authorized at the August 1 City Council meeting. 16C continued to August 15*).

16C: A proposal to demolish an existing ~71,254 sq.ft. commercial shopping center and construct one of the two alternative mixed-use developments at the Oaks Shopping Center site that requires City Council authorization for formal submission of one of the alternatives for formal submission of General Plan Amendment applications. (Application No.(s): GPAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041) (*Continued from August 1*)

Recommended Action: Staff recommends that the City Council adopt Resolution No. 17-080 (Attachment A) after determining if the application is authorized to move forward to apply for a General Plan Amendment(s)

Written communication for this item included emails to Council.

Sinks moved and Scharf seconded to adopt Resolution No. 17-080 not authorizing Oaks Shopping Center to move forward to apply for a General Plan Amendment(s). The motion carried with Chang voting no.

17. Subject: Adoption of City of Cupertino Transportation Impact Fee Nexus Study
Recommended Action: Adopt Resolution No. 17-081, adopting the Cupertino Transportation Impact Fee Nexus Study; and direct Staff to draft ordinance to implement City Wide Traffic Impact Fee to be presented to City Council at the September 19, 2017 Council meeting

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

Director of Public Works Timm Borden reviewed the staff report.

Jason Moody with Economic & Planning Systems, Inc. gave a presentation on the proposed Traffic Impact Fee Nexus Study and answered questions from Council. Joy Bhattacharya with Stantec Consulting Service, Inc. answered questions from Council about the trip generation study.

Mayor Vaidhyanathan opened the public hearing and the following individuals spoke:

Myron Crawford

Jennifer Griffin

Lisa Warren

Mayor Vaidhyanathan closed the public hearing.

Sinks moved and Chang seconded to adopt Resolution No. 17-081, adopting the Cupertino Transportation Impact Fee Nexus Study; and direct Staff to draft ordinance to implement City Wide Traffic Impact Fee to be presented to City Council at the September 19, 2017 Council meeting. The motion carried unanimously.

ORDINANCES AND ACTION ITEMS - None

REPORTS BY COUNCIL AND STAFF

18. Subject: Report on School Walk Audits
Recommended Action: Receive Staff Report on School Walk Audits

Written communications for this item included a staff presentation.

Senior Civil Engineer David Stillman reviewed the staff report.

Safe Routes to School Coordinator Chelsea Biklen gave a presentation.

Council received the staff report on School Walk Audits.

19. 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.

ADJOURNMENT

At 9:35 p.m., Mayor Vaidhyanathan adjourned the meeting in memory of Heather Hyer who was recently killed in Charlottesville, NC.

Grace Schmidt, City Clerk