



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 3, 2017**

SPECIAL CITY COUNCIL MEETING

At 6:45 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. Absent: Councilmember 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.

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 reported that the City 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 reported that the City Council gave direction to staff.

3. Subject: 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 Sievert, on behalf of The Patricia L. Sievert Trust. Under Negotiation: Price and terms of payment

Mayor Vaidhyanathan reported that the City Council gave direction to staff.

REGULAR CITY COUNCIL MEETING

ROLL CALL

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.

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

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation recognizing Monta Vista High School student Karen Ma for her great efforts to help promote City trees
Recommended Action: Present proclamation recognizing Monta Vista High School student Karen Ma for her great efforts to help promote City trees

City Arborist Jonathan Ferrante recognized Karen Ma's hard work and Karen said a few words.

Mayor Vaidhyanathan presented the proclamation recognizing Monta Vista High School student Karen Ma for her great efforts to help promote City trees.

POSTPONEMENTS - None**ORAL COMMUNICATIONS**

Jennifer Griffin talked about the former Elephant Bar space, Capitola mall, and the San Jose Urban Village development.

Peter Leroe-Munoz on behalf of Silicon Valley Leadership Group talked about the Silicon Valley Turkey Trot being held on November 23 in San Jose (distributed written comments).

Cathy Helgerson talked about Lehigh Southwest Cement and Quarry and the Stevens Creek Quarry.

Dolly Sandoval talked about the Fremont Union High District (FUHSD) adult school temporarily occupying the Vallco mall.

Randy Shingai talked about the Stern Hotel development site in San Jose (distributed written comments).

Jean Bedord talked about an adult learner school rental property agreement between the FUHSD and Sandhill Properties.

Ajosh Antony talked about the Bubb Road and McClellan Road intersection and adjacent railroad crossing (presented overhead image).

CONSENT CALENDAR

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

2. Subject: Approve the September 19 City Council minutes
Recommended Action: Approve the September 19 City Council minutes
3. Subject: Award and authorize the City Manager to execute a construction contract for the Retaining Wall Replacement-Regnart Road Project (Project No. 2017-12)
Recommended Action: 1. Award and authorize the City Manager to execute a construction contract for the Retaining Wall Replacement-Regnart Road Project with DMZ Builders in the amount of \$343,133; and 2. Authorize a construction contingency budget of \$34,000, approximately 10% of the contract amount, to address unforeseen conditions during construction, for a total of \$377,133
4. Subject: Cancel the January 2, 2018 City Council meeting
Recommended Action: Cancel the January 2, 2018 City Council meeting
5. Subject: Receive report on commissions and committees with terms expiring January 30, 2018, and select an application deadline date of January 12, 2018 and interview dates of January 22 and 23, 2018.
Recommended Action: a.) Receive report on commissions and committees with terms expiring January 30, 2018; and
b.) Set the application deadline date of 4:30 p.m. on Friday, January 12, 2018 and interviews beginning at 5:00 p.m. on Monday and Tuesday, January 22 and 23 for commissions with terms expiring January 30, 2018.

SECOND READING OF ORDINANCES

6. Subject: Second Reading of Ordinance 17-2168 adding Chapter 14.02 to the Cupertino Municipal Code to Adopt and Implement the City's Transportation Impact Fee Program

Recommended Action: Conduct the second reading and enact Ordinance No. 17-2168: "An Ordinance of the City Council of the City of Cupertino adding Chapter 14.02 to the Cupertino Municipal Code to Adopt and Implement the City's Transportation Impact Fee Program"

Deputy City Clerk Kirsten Squarcia read the title of the ordinance.

Jennifer Griffin talked about requiring developer fees for impacts of new traffic from a development.

Cathy Helgersen talked about traffic and potential impacts relating to the Apple Campus 2, The Oaks, and Good Year Tire sites.

Staff answered questions from Council.

Chang moved and Sinks seconded to read Ordinance No. 17-2168 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

Chang moved and Sinks seconded to enact Ordinance No. 17-2168. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

7. Subject: Approval of the Library Commission's recommendation of Kaecey McCormick for the appointment of the new Cupertino Poet Laureate
Recommended Action: Adopt Resolution No. 17-096 approving the Library Commission recommendation and appoint the new Cupertino Poet Laureate

Jean Bedord talked about the creation of the Cupertino Poet Laureate position.

Library Commission Vice Chair Christie Wang made a short presentation and introduced Kaecey McCormick as the new Cupertino Poet Laureate.

Kaecey McCormick talked about her background and read one of her poems.

Sinks moved and Chang seconded to adopt Resolution No. 17-096 approving the Library Commission recommendation and appointing the new Cupertino Poet Laureate. The motion carried unanimously.

REPORTS BY COUNCIL AND STAFF

8. 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 8:26 p.m., Mayor Vaidhyanathan adjourned the meeting in memory of the victims and families of the recent mass-shooting in Las Vegas, Nevada.

Kirsten Squarcia, Deputy City Clerk