



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 17, 2017

SPECIAL CITY COUNCIL MEETING

At 5:15 p.m. Vice Mayor Darcy Paul called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

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

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

Vice Mayor Paul reported that Council gave direction.

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

Vice Mayor Paul reported that Council gave direction.

3. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: City of Saratoga, City of Cupertino, Town of Los Gatos v. California Department of Transportation, et al., Santa Clara County Superior Court Case No. 115CV281214

Vice Mayor Paul reported that Council gave direction.

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

Vice Mayor Paul reported that Council gave direction.

Vice Mayor Paul also reported out from the Special Closed Session held at 4:15 p.m.

Subject: Public Employee Performance Evaluation. Title: City Attorney. Gov't Code Section 54957(b)(1).

Vice Mayor Paul reported that Council took no action.

REGULAR CITY COUNCIL MEETING

ROLL CALL

At 6:45 p.m. Vice Mayor Darcy Paul 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: Vice Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks. Absent: Mayor Savita Vaidhyanathan.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation declaring October 15-21, 2017 as "Freedom from Workplace Bullies Week"

Recommended Action: Present Proclamation declaring October 15-21, 2017 as "Freedom from Workplace Bullies Week"

Vice Mayor Paul read from the Proclamation declaring October 15-21, 2017 as "Freedom from Workplace Bullies Week" and noted we would forward it to the California Healthy Workplace Advocates.

2. Subject: Proclamation in celebration of Diwali on October 19, 2017

Recommended Action: Present proclamation in celebration of Diwali on October 19, 2017

Vice Mayor Paul presented the Proclamation in Celebration of Diwali on October 19, 2017 to community volunteers Prasanna Kulkarni and Sanjay Tripathi.

3. Subject: Certificate of Appreciation for BlueLight Cinemas
Recommended Action: Present Certificate of Appreciation for BlueLight Cinemas

Written communications for this item included an email to Council.

Vice Mayor Paul presented the Certificate of Appreciation for BlueLight Cinemas to Art and Jackie Cohen.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Michael McNutt talked about Vallco Mall redevelopment.

Jean Cohen from UA Local Union 393 talked about Vallco Mall redevelopment.

Jennifer Griffin talked about San Jose's Stevens Creek Urban Village project.

Phyllis Dickstein talked about development in Cupertino.

Royce Dickson, Paavo Makela, and Clementine Dickson talked about a new ice rink at Vallco Mall.

Kevin McClelland on behalf of Cupertino Chamber of Commerce talked about Vallco Mall redevelopment.

Lisa Chan talked about revitalizing Vallco Mall.

Krishna Bharwad talked about Vallco Mall redevelopment.

Pete Heller talked about Vallco Mall redevelopment.

Hemant talked about Vallco Mall redevelopment.

Rick Resler on behalf of Mechanical, Electrical, Plumbers/Pipefitters, and Sprinkler Fitters Union (MEPS) talked about Vallco Mall redevelopment.

Jon-Paul Wolfe on behalf of Mechanical, Electrical, Plumbers/Pipefitters, and Sprinkler Fitters Union (MEPS) talked about building housing in Silicon Valley.

Josue Garcia on behalf of Building and Trades Council talked about Vallco Mall redevelopment.

Jean Bedord talked about Vallco Mall redevelopment.

Kevin Davin talked about Vallco Mall redevelopment.

J.R. Frueh talked about Vallco Mall redevelopment.

Mike Malik talked about the Vallco Mall development approval process.

Hannah Follweiler talked about Vallco Mall redevelopment.

Neil Struthers on behalf of IBEW/NECA talked about Vallco Mall redevelopment.

Mark Lazarini talked about Vallco Mall redevelopment.

Sabrina Rizk talked about Vallco Mall redevelopment.

Carol Gorska talked about Vallco Mall redevelopment.

Muni Madhhdhidatla talked about the City's General Plan Amendment process.

Liana Crabtree talked about Vallco Mall redevelopment.

Vicky Tsai talked about Vallco Mall redevelopment.

Danessa Techmanski talked about the imbalance of housing, jobs, and retail in Cupertino.

Ed Hirshfield talked about Vallco Mall redevelopment.

David Fung talked about Vallco Mall redevelopment.

Diana Ding on behalf of Silicon Valley Innovation Channel - Ding Ding TV talked about BlueLight Cinemas.

Ignatius Ding talked about an upcoming public forum on regional growth on October 29 from 3-5 at Cupertino Community Hall.

Pam Hershey talked about Vallco Mall redevelopment.

Toni Manta on behalf of the California Cougars talked about Vallco Mall redevelopment and the tradition of the ice rink.

Martin Phipps talked about the housing shortage in Cupertino.

CONSENT CALENDAR

Sinks moved and Chang seconded to approve the items on the Consent Calendar as presented with the exception of item number 9 which was pulled for discussion. Ayes: Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: Vaidhyanathan.

4. Subject: Approve the October 3 City Council minutes
Recommended Action: Approve the October 3 City Council minutes
5. Subject: Accept Accounts Payable for the period ending September 8, 2017
Recommended Action: Adopt Resolution No. 17-097 accepting Accounts Payable for the period ending September 8, 2017
6. Subject: Accept Accounts Payable for the period ending September 15, 2017
Recommended Action: Adopt Resolution No. 17-098 accepting Accounts Payable for the period ending September 15, 2017
7. Subject: Accept Accounts Payable for the period ending September 22, 2017
Recommended Action: Adopt Resolution No. 17-099 accepting Accounts Payable for the period ending September 22, 2017
8. Subject: Accept Accounts Payable for the period ending September 29, 2017
Recommended Action: Adopt Resolution No. 17-100 accepting Accounts Payable for the period ending September 29, 2017
9. Subject: Add a Senior Assistant City Attorney classification to the Unrepresented Compensation Program; and authorize an additional full-time equivalent (FTE) position in the City Attorney's Office ("CAO")
Recommended Action: 1. Adopt Resolution No. 17-101 to: a. Add a Senior Assistant City Attorney classification to the Unrepresented Compensation Program; and b. Increase FTE in the City Attorney's Office from 4 FTE to 5 FTE by adding a Senior Assistant City Attorney position.

Staff answered questions from Council.

Scharf moved and Chang seconded to adopt Resolution No. 17-101 to: a. Add a Senior Assistant City Attorney classification to the Unrepresented Compensation Program; and b. Increase FTE in the City Attorney's Office from 4 FTE to 5 FTE by adding a Senior Assistant City Attorney position. The motion carried with Sinks voting no and Vaidhyanathan absent.

10. Subject: Establishment of a Friendship City Relationship
Recommended Action: Approve one application establishing a Friendship City relationship with Tongxiang City, Zhejiang Province, People's Republic of China
11. Subject: Application for Alcohol Beverage License for Beijing Pavilion Inc (dba Taste Good Cupertino), 20916 Homestead Road
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Beijing Pavilion Inc (dba Taste Good Cupertino), 20916 Homestead Road
12. Subject: Application for Alcohol Beverage License for Sand Hill Hotel Management, LLC (dba Residence Inn Cupertino), 19429 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Sand Hill Hotel Management, LLC (dba Residence Inn Cupertino), 19429 Stevens Creek Boulevard
13. Subject: Application for Alcohol Beverage License for Boiling Fish, Inc. (dba Boiling Fish), 19634 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Boiling Fish, Inc (dba Boiling Fish), 19634 Stevens Creek Boulevard
14. Subject: Award and authorize the City Manager to execute a construction contract for the Sports Center Upgrades-East Courts Light Conversion project (Project No. 2017-19.01)
Recommended Action: 1. Award and authorize the City Manager to execute a construction contract for the Sports Center Upgrades-East Courts Light Conversion project with Nema Construction in the amount of \$220,000; and 2. Authorize a construction contingency budget of \$22,000, 10% of the contract amount, to address unforeseen conditions during construction, for a total of \$242,000; and 3. Approve a budget appropriation in the amount of \$470,000 in the Sports Center – Upgrades project (420-99-017) and the appropriation in the amount of \$470,000 in transfers out from the Sport Center - Children's Play Area project (570-99-032)

SECOND READING OF ORDINANCES - None**PUBLIC HEARINGS - None****ORDINANCES AND ACTION ITEMS**

15. Subject: Amend Cupertino Municipal Code Chapter 11.24, "Standing, Stopping or Parking-Public Streets, Section 11.24.170, Limitation on Certain Streets", to Establish 2-hour Parking on a Portion of Vallco Parkway

Recommended Action: Conduct the first reading of Ordinance No. 17-2169: An Ordinance of the City Council of the City of Cupertino Amending Section 11.24.170, "Limitation on Certain Streets", to Establish 2-hour Parking on a Portion of Vallco Parkway

Director of Public Works Timm Borden reviewed the staff report.

Vice Mayor Paul opened public comment and Jennifer Griffin spoke on this item.

Vice Mayor Paul closed public comment.

City Clerk Grace Schmidt read the title of the ordinance.

Sinks moved and Chang seconded to read Ordinance No. 17-2169 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Chang and Sinks. Noes: Paul and Scharf. Abstain: None. Absent: Vaidhyanathan. The motion failed.

Paul moved and Sinks seconded to continue this item to the November 7 Council meeting. The motion carried unanimously with Vaidhyanathan absent.

16. Subject: Kidpool Pilot Project

Recommended Action: Authorize the City Manager to execute a contract with Fremont Union High School District and Pogo, Inc. for use of a mobile application platform that facilitates parent carpooling

Written communications for this item included a presentation.

Deputy City Manager Jaqui Guzman reviewed the staff report.

Vice Mayor Paul opened public comment and the following individuals spoke:

Christine Mallory on behalf of Fremont Union High School District

Hugh Molotsi on behalf of Ujama, Inc.
Lisa Warren
Liang Chao

Vice Mayor Paul closed public comment.

Sinks moved and Chang seconded to authorize the City Manager to execute a contract with Fremont Union High School District and Pogo, Inc. for use of a mobile application platform that facilitates parent carpooling. The motion carried with Scharf voting no and Vaidhyanathan absent.

17. Subject: Consider adopting resolutions establishing a policy for accepting donations and revising the Naming of City Facilities Policy
Recommended Action: a. Adopt Resolution No. 17-102 establishing a policy for accepting donations (Attachment A); and b. Adopt Resolution No. 17-103 rescinding Resolution No. 03-162 and amending the Naming of City Facilities Policy (Attachment C)

Management Analyst Katy Nomura reviewed the staff report.

Vice Mayor Paul opened public comment and Jennifer Griffin spoke on this item.

Vice Mayor Paul closed public comment.

Sinks moved and Chang seconded to a. Adopt Resolution No. 17-102 establishing a policy for accepting donations; and b. Adopt Resolution No. 17-103 rescinding Resolution No. 03-162 and amending the Naming of City Facilities Policy. The motion carried unanimously with Vaidhyanathan absent.

18. Subject: Designation of a primary representative and alternate for the City of San Jose's Ad Hoc Advisory Committee on South Flow Arrivals
Recommended Action: Designate a primary representative and one alternate for the City of San Jose's Ad Hoc Advisory Committee on South Flow Arrivals

City Manager David Brandt reviewed the staff report and noted that Mayor Vaidhyanathan had indicated her interested in serving as the designee.

Sinks moved and Scharf seconded to designate Mayor Vaidhyanathan as the primary representative and Councilmember Scharf as the alternate for the City of San Jose's Ad Hoc Advisory Committee on South Flow Arrivals. The motion carried unanimously with Vaidhyanathan absent.

REPORTS BY COUNCIL AND STAFF

19. Subject: Report on Committee assignments and general comments
Recommended Action: Report on Committee assignments and general comments

City Manager David Brandt noted that staff, including the Public Information Officer and Building Inspectors, had volunteered to help with the fires up north. They were not needed but the gesture was appreciated.

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

Councilmember Chang and Vice Mayor Paul concurred to add an item to an upcoming agenda regarding Bay Area Air Quality Management District (BAAQMD) Regulation 11 Rule 18.

ADJOURNMENT

At 9:40 p.m., Vice Mayor Paul adjourned the meeting in memory of Cupertino business woman, artist and Rotarian Margaret Kung. (Former Mayor Orrin Mahoney said a few words about Ms. Kung before the meeting was adjourned).

Grace Schmidt, City Clerk