



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, November 7, 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. Absent: None.

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

Mayor Vaidhyanathan reported that Council gave direction to staff.

2. Subject: Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9: (one potential case)

Mayor Vaidhyanathan reported that Council gave direction to staff.

3. Subject: Conference with Legal Counsel - Anticipated Litigation. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (one potential case)

Mayor Vaidhyanathan reported that Council gave direction to staff.

Mayor Vaidhyanathan also reported out from the Special Closed Sessions held on Thursday, November 2 and Monday, November 6.

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

Mayor Vaidhyanathan reported that no direction was given by Council.

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

Mayor Vaidhyanathan reported that 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. Absent: None.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation from Toyokawa Sister City regarding recent student exchange trip
Recommended Action: Receive presentation from Toyokawa Sister City regarding recent student exchange trip

Alysa Sakkas from the Toyokawa Sister City Committee introduced the students. Each student talked about his or her favorite memory from the trip.

Council received the presentation.

2. Subject: Presentation by Bhubaneswar Sister City Committee regarding recent trip
Recommended Action: Receive presentation by Bhubaneswar Sister City Committee regarding recent trip

Mahesh Pakala from the Bhubaneswar Sister City Committee gave a presentation regarding the recent trip to Bhubaneswar.

Council received the presentation.

3. Subject: Certificates of appreciation and presentation by Youth Services Through Cultural Arts (YSTCA) regarding fundraising for West Valley Community Services

Recommended Action: Present certificates and receive presentation by Youth Services Through Cultural Arts (YSTCA) regarding fundraising for West Valley Community Services

Written communications for this item included a presentation.

Students from YSTCA gave a presentation regarding fundraising for West Valley Community Services.

Council received the presentation and Mayor Vaidhyanathan presented Certificates of Appreciation to the students.

4. Subject: Presentation from the Cupertino Chamber of Commerce regarding community outreach

Recommended Action: Receive presentation from the Cupertino Chamber of Commerce regarding community outreach

Andrew Walters, Vice President of the Cupertino Chamber of Commerce and President-elect for 2018 gave a presentation regarding community outreach.

Council received the presentation.

5. Subject: Library Commission Accomplishments and Work Plan Presentation

Recommended Action: Receive presentation of the Library Commission Accomplishments and Work Plan

Written communications for this item included a presentation.

Library Commissioner Liana Crabtree and Community Librarian Clare Varesio gave a presentation regarding accomplishments and the Work Plan.

Council received the presentation.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Kelli Richards talked about Vallco redevelopment.

Fariba Nejat talked about Vallco redevelopment.

Tim McRae from Silicon Valley Leadership Group talked about the upcoming Turkey Trot and Mayor's Cup challenge.

Jennifer Griffin talked about the San Jose Urban Villages project.

Kevin McClelland on behalf of Chamber of Commerce talked about Vallco redevelopment and the Silicon Valley Startup Cup.

Kinjal Buch talked about Vallco redevelopment.

Sandy James talked about the upcoming Veteran's Day celebration at Memorial Park on November 11 at 11:00 a.m.

Mark Brodsky talked about building a transit plaza.

Jean Bedord talked about Library technology.

John C. Muskivitch talked about the good things in Cupertino and Vallco redevelopment.

Richard Lowenthal talked about Vallco redevelopment.

Vicky Tsai thanked Council for support of the Hsinchu Sister City Committee and Vallco redevelopment.

Liang-Fang Chao talked about the recent forum on regional planning sponsored by Better Cupertino.

CONSENT CALENDAR

Paul moved and Chang seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 8, 9, and 11 which were pulled for discussion. Ayes: Vaidhyathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the October 17 City Council minutes
Recommended Action: Approve the October 17 City Council minutes
7. Subject: Treasurer's Investment Report for Quarter Ending September 30, 2017
Recommended Action: Accept the Treasurer's Investment Report for Quarter Ending September 30, 2017

8. Subject: Bay Area Air Quality Management District Proposed Reduction of Risk from Air Toxic Emissions at Existing Facilities
Recommended Action: Adopt a position of support on the Bay Area Air Quality Management District's proposed Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities

Written communications for this item included emails to Council.

Councilmember Sinks recused himself from voting on this item and left the dais.

Deputy City Manager Jaqui Guzman reviewed the staff report.

The following individuals spoke on this item:

John Bartas on behalf of Bay Area Clean Environment
Robert Hogin (distributed written comments)

Paul moved and Scharf seconded to adopt a position of support on the Bay Area Air Quality Management District's proposed Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities and authorize the Mayor to send a letter of support. The motion carried with Sinks recusing.

9. Subject: Donation for the implementation of the 2016 Bicycle Transportation Plan
Recommended Action: Accept a donation in the amount of \$1,800,000 for the implementation of the 2016 Bicycle Transportation Plan and approve a Budget Appropriation in the amount of \$1,800,000 in the Capital Improvement Fund (420-99-036 900-905) for the first phase of the Stevens Creek Boulevard Separated Bike Lane Project

Councilmember Sinks recused himself from voting on this item and remained off the dais.

Director of Public Works Timm Borden reviewed the staff report.

Jennifer Griffin spoke on this item.

Vaidhyathan moved and Chang seconded to accept a donation in the amount of \$1,800,000 for the implementation of the 2016 Bicycle Transportation Plan and approve a Budget Appropriation in the amount of \$1,800,000 in the Capital Improvement Fund (420-99-036 900-905) for the first phase of the Stevens Creek Boulevard Separated Bike Lane Project. The motion carried with Sinks recusing.

10. Subject: Application for Alcohol Beverage License for Galpao Gaucho Three, LLC (dba Galpao Gaucho), 19780 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Galpao Gaucho Three, LLC (dba Galpao Gaucho), 19780 Stevens Creek Boulevard
11. Subject: One Bay Area Grant Cycle 2 Application Resolution of Local Support
Recommended Action: Adopt Resolution No. 17-104, authorizing an application to the Metropolitan Transportation Commission (MTC) for \$769,000 in funding from the One Bay Area Grant Program, regional discretionary funding, appropriating \$110,000 in necessary matching funds, and assuring the completion of the Project in accordance with the application.

Councilmember Sinks returned to the dais.

Director of Public Works Timm Borden reviewed the staff report.

Jennifer Griffin spoke on this item.

Chang moved and Sinks seconded to adopt Resolution No. 17-104, authorizing an application to the Metropolitan Transportation Commission (MTC) for \$769,000 in funding from the One Bay Area Grant Program, regional discretionary funding, appropriating \$110,000 in necessary matching funds, and assuring the completion of the Project in accordance with the application. The motion carried unanimously.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

12. Subject: Approve the second amendment to Employment Contract for the City Attorney and amend the Appointed Employees' Compensation Program
Recommended Action: Adopt Resolution No. 17-105, approving the second amendment to the employment contract for the City Attorney and authorizing the Mayor to execute the contract; and Adopt Resolution No. 17-106, amending the Appointed Employees' Compensation Program to reflect changes in compensation for the City Attorney.

Director of Administrative Services Kristina Alfaro reviewed the staff report.

Vaidhyanathan moved and Chang seconded to approve as amended a salary increase for the City Attorney to \$21,300 annual base salary, effective 9/6/17, and that the City Attorney agreed to not cash out his administrative leave during the term of contract. Council directed staff to amend the City Attorney Employment Agreement and Resolution No. 17-105 to conform to this direction. Staff was also directed to amend the salary schedule on the Appointed Employee's Compensation Program and Resolution No. 17-106 to conform to Council's direction. The motion carried with Chang, Paul, and Scharf voting yes, and Sinks and Vaidhyanathan voting no.

13. Subject: Amend Cupertino Municipal Code Chapter 11.24, "Stopping, Standing and Parking - Public Streets, Section 11.24.170, Limitation on Certain Streets to Establish 2-hour Parking on a Portion of Vallco Parkway (continued from October 17).
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, "Stopping, Standing and Parking - Public Streets, 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.

The developer spoke on this item and answered questions from Council.

Jennifer Griffin spoke on this item.

City Clerk Grace Schmidt read the title of the ordinance.

Chang moved and Paul 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 Paul. Noes: Scharf, Sinks, and Vaidhyanathan. Abstain: None. Absent: None. The motion failed.

Sinks moved and Scharf seconded to continue the item to a future meeting and directed staff to work with the developer to find a solution that would be revenue neutral to the City and analyze the expected entire cost. The motion carried with Chang voting no.

REPORTS BY COUNCIL AND STAFF

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

City Manager David Brandt noted that there would be a special study session regarding

recent housing legislation impacts tentatively scheduled on November 28 at 6:45 p.m. Paul and Scharf concurred to agendaize prior to the end of the year, a discussion regarding provisions of SB35 and possible impacts on the Vallco Specific Plan.

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

ADJOURNMENT

At 10:37 p.m., Mayor Vaidhyanathan adjourned the meeting in memory of the victims of the recent shooting in San Antonio, Texas.

Grace Schmidt, City Clerk