



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 5, 2017**

SPECIAL CITY COUNCIL MEETING

At 5:15 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.

CLOSED SESSION

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

Mayor Vaidhyanathan announced that Council gave no direction.

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

Mayor Vaidhyanathan announced that Council gave no direction.

ADJOURNMENT

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:45 p.m. Mayor Savita Vaidhyanathan called the City Council meeting to order in Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Savita Vaidhyanathan, Vice Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks. Absent: None.

ELECTION OF MAYOR AND VICE MAYOR

1. Subject: Councilmembers elect Mayor
Recommended Action: Make nominations and elect Mayor

Mayor Vaidhyanathan asked if anyone wished to speak on this item and there were no speakers.

Scharf moved and Vaidhyanathan seconded to nominate Darcy Paul as Mayor. The motion carried unanimously.

2. Subject: Councilmembers elect Vice Mayor
Recommended Action: Make nominations and elect Vice Mayor

Mayor Vaidhyanathan asked if anyone wished to speak on this item and there were no speakers.

Chang moved and Paul seconded to nominate Rod Sinks as Vice Mayor. The motion carried unanimously.

OATH OF OFFICE

3. Subject: Mayor takes Oath of Office
Recommended Action: Mayor takes Oath of Office

Newly-elected Mayor Darcy Paul received the Oath of Office from Gilbert Wong, Board Member of Foothill – De Anza Community College District.

4. Subject: Vice Mayor takes Oath of Office
Recommended Action: Vice Mayor takes Oath of Office

Newly-elected Vice Mayor Rod Sinks received the Oath of Office from Polly Bove, Superintendent of Fremont Union High School District.

COMMENTS BY NEW MAYOR

5. Subject: Comments by new Mayor and presentation of gifts
Recommended Action: Comments by new Mayor and presentation of gifts

Mayor Paul presented out-going Mayor Vaidhyanathan with a gift of a gavel plaque thanking her for her service as Mayor.

Mayor Paul made comments.

COMMENTS BY COUNCILMEMBERS AND PUBLIC

6. Subject: Comments by Councilmembers
Recommended Action: Comments by Councilmembers

A year-in-review video was shown for outgoing Mayor Savita Vaidhyanathan and she made comments.

Councilmembers made comments.

7. Subject: Members of the audience are invited to speak (no Speaker Cards necessary)
Recommended Action: Members of the audience are invited to speak

Mayor Paul invited members of the audience to speak and a number of individuals congratulated the newly-elected Mayor and Vice Mayor, and thanked the outgoing Mayor for her service.

RECEPTION

8. Subject: The public is invited to attend a reception in the lobby
Recommended Action: The public is invited to attend a reception in the lobby

Mayor Paul invited the public to attend a reception in the lobby to be followed by regular business items after the recess.

RECESS

Council recessed from 8:15 p.m. to 8:55 p.m.

CEREMONIAL MATTERS AND PRESENTATIONS - None

POSTPONEMENTS

9. Subject: Continue Item No. 13 to consider a revised request to demolish an existing ~71,254 sq.ft. commercial shopping center and construct a mixed-use development at the Oaks Shopping Center site. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041) to January 16, 2018 (per applicant request)

Recommended Action: Continue Item No. 13 to consider a revised request to demolish an existing ~71,254 sq.ft. commercial shopping center and construct a mixed-use development at the Oaks Shopping Center site. (Application No.(s): GPAAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041) to January 16, 2018 (per applicant request)

The following individuals spoke on this item:

Cathy Helgersen (Cupertino)

Ignatius Ding (Cupertino)

Jan Kucera (Cupertino)

Peggy Griffin (Cupertino)

Applicant Ken Tersini talked about the reason for the postponement.

Staff answered questions from Council.

Sinks moved and Chang seconded to continue Item No. 13 to January 16, 2018 per applicant request. The motion carried with Sinks, Chang, and Vaidhyathan voting yes and Paul and Scharf voting no.

ORAL COMMUNICATIONS

Joan Chin (Cupertino) talked about new State housing laws and development in Cupertino.

Ed Hirshfield (Cupertino) talked about concerns over transparency on the Council.

Danessa Techmanski (Cupertino) talked about new State housing laws and development in Cupertino.

Vanessa Su (Cupertino) talked about development and over-crowding of schools.

Michael Zhang (Cupertino) talked about development in Cupertino and concerns over traffic and school over-crowding.

Cup Res (Cupertino) talked about State housing laws, the Cupertino General Plan, and transparency.

Cathy Helgersen (Cupertino) talked about Lehigh and the Stevens Creek Quarry.

Lisa Warren (Cupertino) talked about a residence analysis of the community survey (she submitted written comments).

Ignatius Y. Ding (Cupertino) talked about development and affordable housing in Cupertino.

CONSENT CALENDAR

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

10. Subject: Approve the November 21 City Council minutes
Recommended Action: Approve the November 21 City Council minutes
11. Subject: Approve First Quarter Financial Report for Fiscal Year 2017-18
Recommended Action: 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2017-18; and 2. Adopt Resolution No. 17-113 approving First Quarter Budget Adjustments
12. Subject: Exceptions to Facility Rental Hours
Recommended Action: Delegate authority to the Recreation and Community Services Director to approve extended hours for facility rentals.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

13. Subject: Consider a revised request to demolish an existing ~71,254 sq.ft. commercial shopping center and construct a mixed-use development at the Oaks Shopping Center site. (Application No.(s): GPAAuth-2017-02; Applicant: KT Urban (Mark Tersini);

Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041). (The applicant is requesting a postponement to January 16, 2018)

Recommended Action: Continue this item to January 16, 2018

Under Postponements, this item was continued to January 16, 2018.

14. Subject: Consider an ordinance to establish regulations regarding adult use (recreational) and medicinal marijuana by adding a new Chapter 10.84, Medicinal and Adult Use of Marijuana, in Title 10, amending Chapter 19.08, Definitions, to repeal definitions related to Marijuana and amending Chapter 19.98, Medical Marijuana, to update and reference the newly established Chapter. (Application No(s): MCA-2017-04; Applicant(s): City of Cupertino; Location: Citywide)

Recommended Action: That the City Council: 1. Find that the proposed actions are exempt from CEQA; and 2. Conduct the first reading and adopt Ordinance No. 17-2169 entitled "An ordinance of the City Council of the City of Cupertino adding Chapter 10.84 titled "Medicinal and Adult Use of Marijuana" to Title 10 of the Cupertino Municipal Code; amending Section 19.08.030 to repeal Definitions related to Marijuana; and amending Chapter 19.98 to reference the newly adopted ordinance" (Attachment A.)

Written communications for this item included a presentation.

Principal Planner Piu Ghosh reviewed the staff report.

Captain Urena from the West Valley Sheriff Substation talked about concerns over marijuana use and supported adopting the draft resolution. He answered questions from Council.

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

Cathy Helgerson (Cupertino)

Danessa Techmanski (Cupertino)

Jan Kucera (Cupertino)

Mayor Paul closed the public hearing.

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: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

Sinks moved and Chang seconded to find that the proposed actions are exempt from CEQA. The motion carried unanimously.

ORDINANCES AND ACTION ITEMS

15. Subject: Approve the Fifth Amendment to the Employment Contract for the City Manager and amend the Appointed Employees' Compensation Program
Recommended Action: Adopt Resolution No. 17-114 approving the Fifth amendment to the employment contract for the City Manager and authorizing the Mayor to execute the contract; and Adopt Resolution No. 17-115 amending the Appointed Employees' Compensation Program to reflect changes in compensation for the City Manager.

Written communications for this item included an amended draft contract.

Director of Administrative Services Kristina Alfaro reviewed the staff report.

Sinks moved and Chang seconded to adopt Resolution No. 17-114 approving the Fifth Amendment to the employment contract for the City Manager and authorizing the Mayor to execute the contract and adopt Resolution No. 17-115 amending the Appointed Employees' Compensation Program to reflect changes in compensation for the City Manager. The motion carried unanimously with Paul voting no.

REPORTS BY COUNCIL AND STAFF

Councilmembers highlighted the activities of their committees and various community events.

ADJOURNMENT

At 10:35 p.m., Mayor Paul adjourned the meeting.

Grace Schmidt, City Clerk