



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, February 20, 2018**

SPECIAL CITY COUNCIL MEETING

At 3:30 p.m. Mayor Darcy Paul called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

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

Council went into closed session and reconvened in open session at 4:00 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue for a Study Session followed by the Regular Meeting.

CLOSED SESSION

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

Mayor Paul announced that Council received an update and direction was given.

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

Mayor Paul announced that Council received an update and direction was given.

STUDY SESSION

3. Subject: Study Session on the fiscal year 2018-2019 City Work Program
Recommended Action: Review and provide direction on the fiscal year 2018-2019 City Work Program

Written communications for this item included an email to Council, an updated page from the Work Program, and a staff presentation on the Civic Center Master Plan.

City Manager David Brandt reviewed the Work Program and noted that it was organized thematically rather than by department.

Staff answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Jennifer Griffin

Geoff Paulsen (Cupertino resident) on behalf of the Cupertino Planning Commission

Mayor Paul closed public comment.

Councilmembers commented on the Work Program.

Council recessed from 5:25 p.m. to 5:35 p.m.

Council reviewed the direction on the Fiscal Year 2018-2019 City Work Program and provided the following direction to staff:

- Continue to evaluate alternative construction and finance mechanisms to reduce the overall cost of the Civic Center Master Plan implementation.
- Explore widening and/or other pedestrian safety measures within the Regnart Road Repair Analysis of Maintenance Responsibilities.
- Define incubator/co-working space within the Economic Development Strategic Plan (EDSP).
- Consider broadening the scope of the Parks & Recreation Commission to include senior topics and explore incorporating library issues as well.
- Begin following the City's email retention policy.
- Study meaningful programs to enhance transportation solutions around Cupertino once the new Transit and Transportation Planner is settled.
- Explore technology solutions for managing Public Records Act requests.
- Look into the prevention of underage vaping, smoking, etc. within the Healthy Cities Initiative.

ADJOURNMENT

At 6:10 p.m., Mayor Paul adjourned the Special Meeting.

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:45 p.m. 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.

ROLL CALL

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

CEREMONIAL MATTERS AND PRESENTATIONS - None

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Jennifer Griffin talked about lack of big retail in Cupertino and Highway 17.

Taghi Saadati (Cupertino resident) talked about the R-1 Ordinance and secondary units.

Linda Wyckoff (Cupertino resident) talked about safety concerns on the Regnart Creek Trail.

Julia Miyakawa (Cupertino resident) talked about safety concerns on the Regnart Creek Trail.

Kathy Chole talked about safety concerns on the Regnart Creek Trail.

Gary Wong (Cupertino resident) on behalf of the Campo De Lozano HOA talked about safety concerns in his neighborhood near the Regnart Creek Trail.

CONSENT CALENDAR

Chang moved and Vaidhyanathan seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 4 and 5 which were pulled for discussion. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

1. Subject: Approve the February 6 City Council minutes
Recommended Action: Approve the February 6 City Council minutes
2. Subject: Accept Accounts Payable for the period ending January 12, 2018
Recommended Action: Adopt Resolution No. 18-011 accepting Accounts Payable for the period ending January 12, 2018
3. Subject: Accept Accounts Payable for the period ending January 19, 2018
Recommended Action: Adopt Resolution No. 18-012 accepting Accounts Payable for the period ending January 19, 2018
4. Subject: Second Amendment to the Funding Agreement between the City of Cupertino and Santa Clara Valley Transportation Authority for the I-280/Wolfe Road Interchange Improvements Project
Recommended Action: Authorize the City Manager to execute the Second Amendment to the Funding Agreement with VTA to identify their respective obligations in regard to the I-280/Wolfe Road Interchange Improvements Project. Approve a budget appropriation in the amount of \$260,000 in Fund 100-88-844-900-964 for the Second Amendment to the Funding Agreement between the City of Cupertino and VTA for the I-280/Wolfe Road Interchange Improvements Project.

Written communications for this item included an email to Council.

Staff answered questions from Council.

Jennifer Griffin spoke on this item.

Vaidhyanathan moved and Chang seconded to authorize the City Manager to execute the Second Amendment to the Funding Agreement with VTA to identify their respective obligations in regard to the I-280/Wolfe Road Interchange Improvements Project. Approve a budget appropriation in the amount of \$260,000 in Fund 100-88-844-900-964 for the Second Amendment to the Funding Agreement between the City of Cupertino and VTA for the I-280/Wolfe Road Interchange Improvements Project. The motion carried unanimously.

5. 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

Staff answered questions from Council.

Larry Dean (Cupertino resident) on behalf of Walk-Bike Cupertino spoke on this item.

Sinks moved and Chang seconded to 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. The motion carried unanimously.

6. Subject: Authorize Funding Amount to the 2011 Contract Sweeping Services, Inc, Contract Recommended Action: 1. Adopt Resolution No. 18-013 to increase the authorized amount for the 2011 Contract Sweeping Service, Project No. 2011-02, to Contract Sweeping Service, Inc., from the previously authorized annual amount of \$137,097, to the annual amount of \$198,000, and approve a an annual contingency of \$10,000 to cover extra sweeping as may be required, for a total of \$208,000, and; 2. Approve FY 17/18 Budget Adjustments in the amount of \$42,542 in the Resource Recovery Environmental Programs account number 520-81-801 700-702 and \$28,361 in the Environmental Management Clean Creek Storm Drain Non-Point Source account number 230-81-802 700-702.
7. Subject: Accept offer of dedication and waiver of future reimbursement related to the McClellan Road Sidewalk Improvements - Phase 2 Project
Recommended Action: Adopt Resolution No. 18-014 accepting the offer of dedication and waiver of future reimbursement from four property owners for the construction of the McClellan Road Sidewalk Improvements - Phase 2 Project

SECOND READING OF ORDINANCES

8. Subject: Second reading for an ordinance to amend regulations in Title 2, Administration and Personnel of the Municipal Code Chapter 2.80, to allow up to six (6) members for the Fine Arts Commission
Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 18-2171: "An Ordinance of the City Council of the City of Cupertino amending regulations in Title 2, Administration and Personnel of the Municipal Code Chapter 2.80, to allow up to six (6) members for the Fine Arts Commission"

City Clerk Grace Schmidt read the title of the ordinance.

Chang moved and Sinks seconded to read Ordinance No. 18-2171 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

Chang moved and Sinks seconded to enact Ordinance No. 18-2171. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

9. Subject: Adopt the Mitigated Negative Declaration and the 2018 Cupertino Pedestrian Transportation Plan
Recommended Action: Adopt Resolution No. 18-015 adopting the Mitigated Negative Declaration and the 2018 Cupertino Pedestrian Transportation Plan

Written communications for this item included a staff presentation.

Transportation Manager David Stillman reviewed the staff report.

Staff answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Jennifer Griffin

Larry Dean (Cupertino resident) on behalf of Walk/Bike Cupertino (distributed written comments)

Sean Lyn (Cupertino resident) on behalf of the Cupertino Bicycle Pedestrian Commission
Taghi Saadati

Mayor Paul closed public comment.

Sinks moved and Savita seconded to adopt Resolution No. 18-015 adopting the Mitigated Negative Declaration and the 2018 Cupertino Pedestrian Transportation Plan. The motion carried unanimously.

REPORTS BY COUNCIL AND STAFF

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

City Manager David Brandt noted that Cupertino received an award from the Government Finance Association for the Capital Improvement Project (CIP) budget and he congratulated Director Timm Borden for his work on the CIP document.

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

ADJOURNMENT

At 8:45 p.m., Mayor Paul adjourned the meeting.

Grace Schmidt, City Clerk