



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 6, 2018

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

1. Subject: Proclamation declaring March as Youth Arts Month
Recommended Action: Present Proclamation declaring March as Youth Arts Month

Mayor Paul presented the proclamation to Visual and Performing Arts Coordinator Jeannine Flores.

2. Subject: Proclamation proclaiming March as American Red Cross Month and presentation from the American Red Cross regarding local activities
Recommended Action: Present Proclamation proclaiming March as American Red Cross Month and receive presentation from the American Red Cross regarding local activities

Written communications for this item included a presentation.

Mr. Chessen gave a presentation regarding the group's local activities. Council received the presentation.

Mayor Paul presented the proclamation to Red Cross volunteer Stuart Chessen.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Robert Fitzgerald talked about his father, former Cupertino Mayor Jerry J. Fitzgerald who recently passed away.

Kathy Chole (Cupertino resident) talked about the Parks and Recreation 2040 Plan.

Roberta Hollimon (Cupertino resident) speaking on behalf of the Cupertino-Sunnyvale League of Women Voters talked about a State Initiative on the 2018 ballot for funding for California schools and local communities (distributed written comments).

Connie Cunningham (Cupertino resident) talked about a recent Valley Transportation Authority (VTA) meeting, the Bicycle Pedestrian Plan, and the Vallco Specific Plan proposal.

Kitty Moore (Cupertino resident) talked about the Vallco development project, Environmental Impact Report (EIR), and SB50.

Lisa Warren talked about the Vallco Specific Plan EIR.

CONSENT CALENDAR

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

3. Subject: Approve the February 10 City Council Minutes
Recommended Action: Approve the February 10 City Council Minutes
4. Subject: Approve the February 20 City Council minutes
Recommended Action: Approve the February 20 City Council minutes
5. Subject: Accept Accounts Payable for the period ending January 26, 2018
Recommended Action: Adopt Resolution No. 18-016 accepting Accounts Payable for the period ending January 26, 2018
6. Subject: Accept Accounts Payable for the period ending February 2, 2018
Recommended Action: Adopt Resolution No. 18-017 accepting Accounts Payable for the period ending February 2, 2018

7. Subject: Set the voluntary limit at \$29,000 for campaign expenditures for the November 6, 2018 City Council election
Recommended Action: Adopt Resolution No. 18-018 setting a voluntary campaign expenditure limit of \$29,000 for the November 6, 2018 City Council election
8. Subject: Set application deadline and interview date(s) for three terms expiring on the Teen Commission
Recommended Action: Set the following application deadline and interview date(s) for three terms expiring on the Teen Commission: 1. Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 4; and 2. Interviews held beginning at 3:30 p.m. on Tuesday, May 22 and Wednesday, May 23 (as needed)
9. Subject: City Work Program for Fiscal Year 2018-2019
Recommended Action: Approve the City Work Program for Fiscal Year 2018-2019

Written communications for this item included emails to Council and a staff presentation.

City Manager David Brandt answered questions from Council regarding the consideration of consolidating the Library and the Parks and Recreation Commissions as noted on the Work Program.

Sinks moved and Chang seconded to approve the City Work Program for Fiscal Year 2018-2019. The motion carried unanimously.

10. Subject: Update Teen Commission application requirements limiting Teen Commission applicants to students in grades 8 through 11
Recommended Action: Adopt Resolution No. 18-019 that limits the Teen Commission applicants to students in grades 8 through 11 and revokes earlier resolutions governing the Teen Commission
11. Subject: Planning Commission's recommendation to select Geoff Paulsen as the Environmental Review Committee representative
Recommended Action: Accept the Planning Commission's recommendation to the Environmental Review Committee
12. Subject: Award and authorize the City Manager to execute a construction contract for the South De Anza Boulevard Medians-Phase 1 Project (Project No. 2015-21.02).
Recommended Action: 1. Award and authorize the City Manager to execute a construction contract for the South De Anza Boulevard Medians-Phase 1 Project with Clean Cut Landscape Incorporated in the amount of \$1,032,904.92; and 2. Authorize a construction

contingency budget of \$103,000, approximately 10% of the contract amount, to address unforeseen conditions during construction, for a total of \$1,135,904.92.

13. Subject: Reject all bids for a construction contract for the Service Center Shed #3 Improvement Project (Project No 2017-08)
Recommended Action: Reject all bids for a construction contract for the Service Center Shed #3 Improvement Project (Project No 2017-08)

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

14. Subject: Approve the Mid-Year Financial Report and recommended budget adjustments for Fiscal Year 2017-18
Recommended Action: 1. Accept the City Manager's Mid-Year Financial Report for Fiscal Year 2017-18; 2. Approve the Mid-Year adjustments for Fiscal Year 2017-18 as described in the Mid-Year Financial Report; 3. Adopt Resolution No. 18-020 approving Mid-Year budget adjustments

Written communications for this item included emails to Council and a staff presentation.

Director of Administrative Services Director Kristina Alfaro introduced Finance Manager Zach Korach who reviewed the staff report along with Senior Management Analysis Karen Guerin.

Council recessed from 7:55 p.m. to 8:02 p.m.

Staff answered questions from Council.

Sinks moved and Scharf seconded to 1. Accept the City Manager's Mid-Year Financial Report for Fiscal Year 2017-18; 2. Approve the Mid-Year adjustments for Fiscal Year 2017-18 as described in the Mid-Year Financial Report; 3. Adopt Resolution No. 18-020 approving Mid-Year budget adjustments. The motion carried unanimously.

15. Subject: Social Host Responsibility ordinance
Recommended Action: Following the first and second readings, adopt Ordinance No. 18-2172: "An Ordinance of the City Council of the City of Cupertino adding Chapter 10.05

"Social Host Responsibility" to the Cupertino Municipal Code, Article 10 "Public Peace and Morals" to deter underage drinking and drug use during events/gatherings"

Written communications for this item included a presentation.

Members of the Cupertino Teen Commission gave a presentation and answered questions from Council. Deputy City Manager Jaqui Guzman also answered questions.

City Clerk Grace Schmidt read the title of the ordinance.

Sinks moved and Vaidhyanathan seconded to read Ordinance No. 18-2172 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.

Council recessed from 9:24 p.m. to 9:32 p.m.

16. Subject: Add Chamber of Commerce focus group committees to Council Committee assignments (Support Local Businesses, Transportation, and Housing/Redevelopment)
Recommended Action: Add Chamber of Commerce focus group committees to Council Committee assignments (Support Local Businesses, Transportation, and Housing/Redevelopment)

City Manager David Brandt reviewed the staff report.

Cupertino Chamber of Commerce President Andrew Gere talked about the committees.

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Councilmembers concurred that members could attend the Chamber committee meetings voluntarily and at will and there would be no formal representative or alternate appointed.

17. Subject: SB 100: California Renewables Portfolio Standard Program (De León)
Recommended Action: Support SB 100 (De León) and authorize the Mayor to send letters of support to state legislative leaders along with our state delegation.

Deputy City Manager Jaqui Guzman clarified that the Legislative Review Committee as a Brown Act Committee would set up regular meetings in the future to discuss legislative actions that align with the Council approved legislative platform.

Ms. Guzman reviewed the staff report.

Mayor Paul opened public comment and the following individuals spoke in support of SB 100 (De León):

Linda Hutchins-Knowler (San Jose resident) speaking on behalf of Mother Out Front and Silicon Valley Climate Action Alliance

Krish Ellath (Cupertino resident)

Tiffany Brassai

Tara Sreekrishnan (Cupertino resident)

Jurisa Prom

Kiran Aftab (San Jose resident)

Mayor Paul closed public comment.

Sinks moved and Vaidhyanathan seconded to direct staff to draft a letter using stronger language in support of an accelerated timeline for renewable energy goals and favorable regulations for community choice aggregators in SB 100 (De León) and bring it back at the next Council meeting. The motion carried unanimously.

18. Subject: SB 827 - Transit-Rich Housing Bonus (Weiner)

Recommended Action: Oppose SB 827 (Weiner) and authorize the Mayor to send letters of opposition to state legislative leaders along with our state delegation.

Written communications for this item included emails to Council.

Deputy City Manager Jaqui Guzman reviewed the staff report.

Mayor Paul opened public comment and the following individuals spoke in opposition of SB 827 (Weiner):

Danessa Techmanski (Cupertino resident)

Connie Cunningham (Cupertino resident)

Tara Sreekrishnan (Cupertino resident)

Jennifer Griffin

Kitty Moore (Cupertino resident)

Lisa Warren

Chang moved and Sinks seconded to direct staff to draft a letter to oppose SB 827 (Weiner) including constructive ideas for State actions that would increase affordable housing and address traffic issues, and authorize the Mayor to send letters of opposition to State legislative leaders along with our State delegation. The motion carried unanimously.

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 an overnight safe car parking program was being started in Cupertino. Anyone interested in volunteering should contact West Valley Community Services.

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

ADJOURNMENT

20. Subject: Adjourn in memory of former Cupertino Mayor Jerry J. Fitzgerald
Recommended Action: Adjourn in memory of former Cupertino Mayor Jerry J. Fitzgerald

At 11:26 p.m., Mayor Paul adjourned the meeting in memory of former Cupertino Mayor Jerry J. Fitzgerald.

Grace Schmidt, City Clerk