



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, May 15, 2018

**SPECIAL CITY COUNCIL MEETING**

At 3:30 p.m. Mayor Darcy Paul called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

Present: Mayor Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang (3:35 p.m.) Steven Scharf, and Savita Vaidhyanathan. Absent: None.

**STUDY SESSION**

1. Subject: Budget Study Session regarding the Proposed Fiscal Year 2018-19 Budget, including CIP  
Recommended Action: Conduct a Budget Study Session regarding the Proposed Fiscal Year 2018-19 Budget, including CIP

Written communications for this item included staff presentations and community funding grant applications.

Finance Manager Zach Korach, Senior Management Analyst Karen Guerin, Management Analyst Katy Nomura, and Business Systems Analyst Thomas Leung reviewed the presentation.

Councilmember Sinks left the dais at 3:44 p.m. before discussion of the slide regarding Pass Thru Revenue for Apple Park. He returned to the dais immediately after.

Council recessed from 4:40 p.m. to 4:45 p.m.

Staff continued with the study session presentation and answered questions from Council.

Director of Public Works Timm Borden reviewed the Capital Improvement Project (CIP) presentation.

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Council directed staff to follow-up on these items:

- Deer Hollow Farm to provide data regarding its programs, number of attendees, and number of Cupertino residents served.
- Recreation and Community Services to look into administering community funding requests and considering them in conjunction with festival funding; provide performance metrics for all funding requests and festivals; evaluate metrics and provide recommendations.
- Data on the estimated cost per attendee at festivals.
- Information regarding foot traffic at the Fall Festival and background information on the two new organizations that applied for community funding, Bay Shore Lyric Opera and Korean American Community Services.
- See if cost for Sheriff's services at the Tournament of Bands can be waived like for other festivals.
- Data on the RYDE Program including cost and subsidies per ride, number of riders served by the program, and breakdown of funding for the program.
- A presentation from West Valley Community Services that describes the status of the program.
- Assessment of the cost efficiency for the proposed Risk Manager position versus the other comparable 15 cities and how they handle their City Attorney office services.
- Analysis of the Associate Civil Engineer position from limited term to permanent in Public Works department.
- Analysis of consolidating the Public Safety, Library, and Parks & Recreation Commissions.
- Additional proposal of \$25,000 for the aircraft noise ad-hoc committee.
- Additional information on how the City would support performing arts.

## **CLOSED SESSION**

Council went into closed session in the City Hall Conference Room A, 10300 Torre Avenue and

reconvened in open session at 6:45 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue for the Regular Meeting.

2. Subject: Conference with Real Property Negotiators (Government Code Section 54956.8); Property: City-wide Public Right of Way; Agency Negotiator: Timm Borden; Negotiating Parties: City of Cupertino and Verizon; Under Negotiation: Terms for Leased Use of Public Right of Way

Mayor Paul announced that the item was received and direction was given.

3. Subject: Public Employee Employment (Gov't Code 54957(b)(1); Position: City Manager.

Mayor Paul announced that the item was received and direction was given.

Mayor Paul also announced that a closed session was held on May 7 regarding:

Subject: Public Employee Employment and Appointment (Gov't Code 54957(b)(1); Position: Interim City Manager.

Mayor Paul announced that the item was heard and direction was given.

Subject: Public Employee Employment (Gov't Code 54957(b)(1); Position: City Manager.

Mayor Paul announced that the item was heard and direction was given.

Mayor Paul also announced that a closed session was held on May 11 regarding:

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

Written communications for this item included emails to Council.

The following individuals spoke on this item:

J.R. Fruen (Cupertino resident)

Jean Bedord (Cupertino resident)

Mayor Paul announced that there is no reportable action at this time.

Subject: Public Employee Discipline/Dismissal/ Release (Gov't Code Section 54957).

Mayor Paul announced that there is no reportable action at this time.

## **ADJOURNMENT**

### **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: Proclamations to Charities Housing and SV@Home for Affordable Housing Week May 11-18  
Recommended Action: Present Proclamations to Charities Housing and SV@Home for Affordable Housing Week May 11-18

Mayor Paul presented proclamations to Kathy Robinson on behalf of Charities Housing and to Matthew Reed on behalf of SV@Home for Affordable Housing Week May 11-18. Other representatives included Roberta Hollimon on behalf of the League of Women Voters Cupertino-Sunnyvale, Jan Stokley on behalf of Housing Choices, and Sujatha Venkatraman on behalf of West Valley Community Services.

2. Subject: Proclamation for Public Works Week May 20-26  
Recommended Action: Present Proclamation for Public Works Week May 20-26

Mayor Paul presented a proclamation to Director of Public Works Timm Borden for Public Works Week May 20-26.

3. Subject: Presentations by Cupertino-Cupertino, Italy Sister City Committee adult and student delegations

Recommended Action: Receive presentations by Cupertino-Cupertino, Italy Sister City Committee adult and student delegations

Helene Davis from Cupertino-Cupertino, Italy Sister City Committee introduced art teacher Kathy Martinelli from St. Joseph of Cupertino School. Representatives from the student delegation gave a presentation highlighting the recent trip.

Fabrizio Vitagliano, Co-Founder at Enzo's Italian Restaurant Cupertino showed pictures from the adult delegation with Mayor Paul and other representatives.

Council received the presentations.

#### **POSTPONEMENTS – None**

#### **ORAL COMMUNICATIONS**

Julia Miyakawa (Cupertino resident) talked about Regnart Creek Trail.

Brooke Ezzat (Cupertino resident) talked about the ballot drop-off box at the Cupertino Library.

Connie Cunningham (Cupertino resident) talked about Regnart Creek Trail.

Pam Hershey (Cupertino resident) talked about Vallco development and traffic.

Jon Willey (Cupertino resident) talked about Vallco development (distributed written comments).

Helene (Cupertino resident) talked about Regnart Creek Trail.

Janet Van Zoeren (Cupertino resident) speaking on behalf of Housing Choices Cupertino Task Force talked about affordable housing for developmentally disabled persons.

Per Maresca (Mountain View resident) speaking on behalf of Housing Choices Cupertino Task Force talked about affordable housing for developmentally disabled persons.

Jan Stokley speaking on behalf of Housing Choices Cupertino Task Force talked about affordable housing for developmentally disabled persons.

Emma Shearin (Cupertino resident) talked about Regnart Creek Trail.

Liana Crabtree (Cupertino resident) talked about ballot drop-off box locations at local libraries.

Anne Ng (Cupertino resident) talked about Regnart Creek Trail.

Ignatius Y. Ding (Cupertino resident) talked about Sand Hill's SB35 proposal for Vallco (distributed written comments).

Liang Chao (Cupertino resident) talked about Vallco Specific Plan.

Longtime Res (Cupertino resident) talked about the ballot drop-off box at the Cupertino Library.

Lisa Warren talked about Cupertino becoming a Charter City, analysis of SB35 proposal for Vallco, and transcription of minutes.

Jennifer Griffin talked about bicycle boulevards and Vallco development.

Council recessed from 8:15 p.m. to 8:25 p.m.

## CONSENT CALENDAR

Vaidhyathan moved and Chang seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 6 and 7 which were pulled for discussion. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyathan. Noes: None. Abstain: None. Absent: None.

4. Subject: Approve the May 1 City Council minutes  
Recommended Action: Approve the May 1 City Council minutes
5. Subject: Approve the Third Quarter Financial Report and recommended budget adjustments for Fiscal Year 2017-18  
Recommended Action: 1. Accept the City Manager's Third Quarter Financial Report for FY 2017-18 2. Approve the Third Quarter adjustments for FY 2017-18 as described in the Third Quarter Financial Report 3. Adopt Resolution No.18-044 approving Third Quarter budget adjustments
6. Subject: Fee waiver request from League of Women Voters of Cupertino-Sunnyvale for approximately \$225 in facility use fees for the use of Community Hall on Monday, May 14, 2018 for a forum on Vallco and Wednesday, May 16, 2018 for candidate forums and a presentation on upcoming ballot measures.  
Recommended Action: Staff recommends approval of fee waiver request.

Written communications for this item included emails to Council.

Mayor Paul opened public comment and the following individuals spoke:

Jennifer Griffin  
Lisa Warren  
Roberta Hollimon

Mayor Paul closed public comment.

Sinks moved and Chang seconded to recommend approval of fee waiver request from League of Women Voters of Cupertino-Sunnyvale for approximately \$225 in facility use fees for the use of Community Hall on Monday, May 14, 2018 for a forum on Vallco and Wednesday, May 16, 2018 for candidate forums and a presentation on upcoming ballot measures. The motion carried with Scharf voting no and Paul abstaining.

7. Subject: Small Cell License Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless  
Recommended Action: Authorize the City Manager to enter into a Small Cell License Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless

City Engineer Chad Mosley answered questions from Council.

Sinks moved and Chang seconded to authorize the City Manager to enter into a Small Cell License Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Wireless. The motion carried unanimously.

8. Subject: Application for Alcohol Beverage License for Cafe Mie Kari, LLC (dba Nanyang Kitchen), 10893 N. Wolfe Road  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Café Mie Kari, LLC (dba Nanyang Kitchen), 10893 N. Wolfe Road
9. Subject: Application for Alcohol Beverage License for TKS Restaurants, LLC (dba The Kebab Shop), 19700 Vallco Parkway, Suite 150  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for TKS Restaurants, LLC (dba The Kebab Shop), 19700 Vallco Parkway, Suite 150

10. Subject: Management Plan Contract for Water System Asset Planning & Valuation for the Cupertino Municipal Water System  
Recommended Action: Authorize the City Manager to negotiate and execute the Management Plan Contract for Water System Asset Planning & Valuation for the Cupertino Municipal Water System agreement with Kayuga Solution for an amount of \$328,416 and approve a contingency of \$21,584 for a total of \$350,000
11. Subject: Agreement between the City of Cupertino and Pavement Engineering, Inc. for consultant services on various street asphalt and concrete improvement projects.  
Recommended Action: Approve an Agreement between the City of Cupertino and Pavement Engineering, Inc. (PEI) in the amount not to exceed \$526,635 from the date of execution through June 30, 2019, and authorize the City Manager to negotiate and execute all necessary documents to carry out all consultant services for the various street asphalt and concrete and improvement projects.

## **SECOND READING OF ORDINANCES - None**

## **PUBLIC HEARINGS**

12. Subject: Tentative Map application to allow the subdivision of 3 parcels into 5 parcels - 4 residential and 1 common (private street), Tree Removal Permit to allow the removal and replacement of seven (7) protected trees and associated environmental review. (Application No(s): TM-2015-01, TR-2016-28 (EA-2015-04) Applicant: Welkin International (Cai Xing Xie); Location: 10234 Scenic Blvd., APN#357-08-014, 047)  
Recommended Action: The Planning Commission recommends that the City Council deny the Project by concurring with the Planning Commission Resolution No. 6856 and the findings therein by; 1) Deny the Tentative Map Application to allow the subdivision of three parcels into five parcels - four residential and one common (private road); and 2) Deny the Tree Removal Permit to allow the removal and replacement of seven (7) protected trees  
Alternative Action: Consider Staff's recommendation to approve the project by adopting the draft Resolution No(s). and the findings therein; 1) Adopt Resolution No. 18-045 adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Report Program for the proposed project; and 2) Adopt Resolution No. 18-046 approving the Tentative Map Application to allow the subdivision of 3 parcels into 5 parcels - 4 residential and 1 common (private road); and 3) Adopt Resolution No. 18-047 approving the Tree Removal Permit to allow the removal and replacement of seven (7) protected trees

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

Associate Planner Erick Serrano reviewed the staff report.



Architect Lei Yuan, Arborist Richard Smith, Geotechnical Engineer Jonathan, Civil Engineer Mark Helton, and Attorney Richard Abdalah reviewed the proposal and answered questions from Council.

Council recessed from 9:42 p.m. to 9:50 p.m.

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

John Ghashghai (Cupertino resident)  
Kristi McGee (Cupertino resident)  
Nadine Carlton (Cupertino resident)  
Tom Trankle (Cupertino resident)  
Alex Carlton (Cupertino resident)  
Vishu Gupta (Cupertino resident)  
Joe Cleaver (Cupertino resident) speaking on behalf of the neighbors  
Ann Cleaver (Cupertino resident) speaking on behalf of the Audubon Society  
Patrick Kwok (Cupertino resident)  
Dennis Gaushell (Cupertino resident)  
Liana Crabtree (Cupertino resident)

Mayor Paul closed the public hearing.

Sinks moved and Scharf seconded to deny the project. The motion carried unanimously.

## **ORDINANCES AND ACTION ITEMS**

13. Subject: Approve a Public Agencies Post-Employment Benefits Section 115 Trust administered by a third-party administrator to be selected by the City's Audit Committee  
Recommended Action: Adopt Resolution No. 18-048 approving the Public Agencies Post-Employment Benefits Section 115 Trust administered by a third-party administrator to be selected by the City's Audit Committee

Written communications for this item included a staff presentation.

Business Systems Analyst Thomas Leung reviewed the staff report.

Scharf moved and Sinks seconded to adopt Resolution No. 18-048 approving the Public Agencies Post-Employment Benefits Section 115 Trust administered by a third-party administrator to be selected by the City's Audit Committee. The motion carried unanimously.

## REPORTS BY COUNCIL AND STAFF

14. Subject: Annual Report on the Pavement Management Program  
Recommended Action: Receive the report. No action is required.

Written communications for this item included a staff presentation.

Assistant Director of Public Works Roger Lee reviewed the staff report.

Council received the report.

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

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

## ADJOURNMENT

At 11:55 p.m., Mayor Paul adjourned the meeting.

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Grace Schmidt, City Clerk