



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, July 31, 2018**

SPECIAL CITY COUNCIL MEETING

At 5:00 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 (5:10 p.m.), Steven Scharf, and Savita Vaidhyanathan. Absent: None.

CLOSED SESSION

Council went into closed session and reconvened in open session at 6:18 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

1. Subject: Conference with Legal Counsel - Existing Litigation pursuant to Government Code section 54956.9, subdivision (d), paragraph 1. Case: Friends of Better Cupertino, Kitty Moore, Ignatius Ding and Peggy Griffin, v. City of Cupertino, et al., Santa Clara Superior Court, Case No. 18CV330190 (Continued from July 3)

Before Council went into closed session, the following individuals spoke on this item:

Randy Shingai (San Jose resident) – distributed written comments
Kitty Moore (Cupertino resident)

In open session, Mayor Paul announced that the item was heard and no direction was given.

PLEDGE OF ALLEGIANCE

At 6:18 p.m. Mayor Darcy Paul reconvened the Special City Council meeting 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 (6:19 p.m.), Steven Scharf, and Savita Vaidhyanathan. Absent: None.

CEREMONIAL MATTERS AND PRESENTATIONS

2. Subject: Presentation from Citizens' Climate Lobby
Recommended Action: Receive presentation from Citizens' Climate Lobby

Diana Russell, Volunteer for Citizens' Climate Lobby gave a presentation on climate change.

Mayor Paul opened public comment and the following individual spoke:

Kitty Moore (Cupertino resident)

Mayor Paul closed public comment.

Council received the presentation from Citizens' Climate Lobby.

3. Subject: Presentation from the Toyokawa Sister City Committee regarding recent delegation
Recommended Action: Receive presentation from the Toyokawa Sister City Committee regarding recent delegation

Alysa Sakkas, President of the Toyokawa Sister City Committee gave a presentation on the recent delegation. Some of the committee members and others spoke about their experience with the delegation.

Council received the presentation from the Toyokawa Sister City Committee regarding the recent delegation.

POSTPONEMENTS – None

ORDINANCES AND ACTION ITEMS

4. Subject: Hearing to approve assessment of fees on private parcels for the annual weed abatement program
Recommended Action: Conduct hearing and adopt Resolution No. 18-069 providing for lien assessments and collection resulting from the abatement of public nuisances and potential fire hazards (weeds on private parcels)

City Clerk Grace Schmidt reviewed the staff report.

Mayor Paul opened public comment and seeing no speakers, closed public comment.

Sinks moved and Chang seconded to adopt Resolution No. 18-069 providing for lien assessments and collection resulting from the abatement of public nuisances and potential fire hazards (weeds on private parcels). The motion carried unanimously.

Vice Mayor Sinks noted that due to a conflict of interest, he would not be participating in the discussion for item number 5 and left the dais.

5. Subject: Proposed measure to restructure Cupertino's basic business license tax from a tax based on square footage to a tax based on employee count

Recommended Action: Take action to approve submission to the voters of a measure to amend the City's business license tax or defer the measure and provide further direction to staff. Council can take the following actions: A. (1) Adopt Resolution No. 18-070, "A Resolution of the City Council of the City of Cupertino ordering the submission to the qualified electors of the City a measure to amend the business license tax at the Tuesday, November 6, 2018 general election called by Resolution No. 18-054, and providing for written arguments regarding the measure and directing the City Attorney to prepare an impartial analysis"; and (2) submit to voters at the November 6, 2018 General Municipal Election "An Ordinance of the people of the City of Cupertino amending Chapter 5.04 of the Cupertino Municipal Code regarding business license taxes, fees, and charges;" or B. Defer placing the business license tax measure to the November 2020 election and direct staff to undertake further study and continue working with stakeholders on preparing a transportation spending plan and draft business license tax measure.

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

Deputy City Manager Jaqui Guzman reviewed the staff report. Economic Development Manager Angela Tsui was also available to answer questions from Council.

Staff answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Matt Regan (Pleasant Hill resident) on behalf of Bay Area Council

Matthew Mahood (Los Gatos resident) on behalf of The Silicon Valley Organization

Donna Austin (Cupertino resident)

Keith Warner (Cupertino resident)
Connie Cunningham (Cupertino resident)
Mike Foulkes (Campbell resident) on behalf of Apple
Jennifer Griffin
Jane Vaughan on behalf of Menlo Equities
Scott Maiden (Cupertino resident)
Pete Heller (Cupertino resident)
Dan Kostenbauder (Palo Alto resident) on behalf of Silicon Valley Leadership Group
John McGuigan (Cupertino resident)
Kitty Moore (Cupertino resident)
Don Sun
Alison Piccoli (San Jose resident) on behalf of California Restaurant Association
Myron Crawford on behalf of Berg & Berg
Andrew Walters (Cupertino resident) on behalf of Cupertino Chamber of Commerce
David Fung (Cupertino resident)
Lisa Warren

Mayor Paul closed public comment.

Staff answered questions from Council.

Paul moved and Chang seconded to defer placing the proposed measure to restructure Cupertino's basic Business License Tax from a tax based on square footage to a tax based on employee count to the November 2020 election and directed staff to undertake further study and continue working with stakeholders on preparing a transportation spending plan and draft Business License Tax measure. The motion carried with Sinks recusing.

Council recessed from 8:39 p.m. to 8:45 p.m.

Vice Mayor Sinks returned to the dais.

STUDY SESSION

6. Subject: Study session to explore consolidation of Senior Citizen, Library, and Safety issues into Parks & Recreation Commission
Recommended Action: Provide staff direction on structure and management of City commissions

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

Deputy City Manager Jaqui Guzman introduced Senior Management Analyst Katy Nomura who reviewed the staff report.

Staff answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Jennifer Griffin

Scott Meriden (Cupertino resident)

Gopal Kumarappan (Cupertino resident)

Liana Crabtree (Cupertino resident)

Kathy Stakey (Cupertino resident)

Kitty Moore (Cupertino resident)

Jerry Liu (Cupertino resident) on behalf of Cupertino Library Foundation

Art Cohen on behalf of the Cupertino Library Foundation

Tessa Parish (Cupertino resident)

David Fung (Cupertino resident)

Lisa Warren

Liang Chao (Cupertino resident)

Mayor Paul closed public comment.

Staff answered questions from Council.

Council provided the following direction to staff direction on structure and management of City Commissions:

- Review Commission structure and procedures overall, including work plans approved by council, and bring back recommendations to Council
- Explore ways to improve Council/Commission communication
- City Attorney's Office to advise on legal questions regarding Council attending/participating in Commission meetings

ORAL COMMUNICATIONS

Jon Willey (Cupertino resident) talked about democracy and the City Council's responsibility to represent the citizens of Cupertino.

Lisa Warren talked about her recent attendance at a Chinese American Real Estate Association forum regarding retail.

Liana Crabtree (Cupertino resident) talked about campaign materials in the Library being within 100 feet of the ballot box.

Kitty Moore (Cupertino resident) talked about SB35 and previous closed session items regarding City Attorney Randolph Hom.

Jennifer Griffin talked about rezoning of Home Depot site in San Jose and San Jose Urban Villages.

Kathy Stakey (Cupertino resident) talked about traffic calming on Pacifica and Rodrigues.

Liang Chao (Cupertino resident) talked about SB35.

Tessa Parish (Cupertino resident) talked about needing resolution regarding the City Attorney.

REPORTS BY COUNCIL AND STAFF

Interim City Manager Amy Chan reminded Council of the next regular meetings on August 21 and September 18. She noted that the September 4 meeting would be cancelled for a Planning Commission hearing on the Vallco Specific Plan.

In response to the presentation by Citizens' Climate Lobby earlier in the meeting, three Councilmembers concurred to send a carbon fee and dividend item through the Sustainability Commission to study and bring back to Council with how it would affect Cupertino, and adopt a resolution in support.

Council directed staff to add a discussion item regarding the concern of water treatment of selenium to the Lehigh study session on August 21.

Two Councilmembers concurred to have the Sustainability Commission discuss the Bay Area Air Quality Management District's Diesel Free by 2033 resolution first and then bring the item back to Council to adopt in support.

ADJOURNMENT

At 11:34 p.m. Mayor Paul adjourned the meeting.