



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, October 16, 2018

**REGULAR CITY COUNCIL MEETING**

**CLOSED SESSION**

At 6:00 p.m. Mayor Darcy Paul called the Regular City Council meeting to order in City Hall Conference Room A, 10300 Torre Avenue. 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.

**ROLL CALL**

Present: Mayor Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang and Savita Vaidhyanathan. Absent: Councilmember Steven Scharf.

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

Miguel Lira on behalf of SIREN  
Priya Murthy on behalf of SIREN

1. Subject: Conference with Legal Counsel-Anticipated Litigation; Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Gov't Section 54956.9: Two Cases

Mayor Paul reported that for the first item, an update was provided and direction was provided to the City Attorney to seek restitution on a criminal matter for People of the State of California vs. Jennifer Chang.

Mayor Paul reported that for the second item, an update was provided and direction was given to join the amicus brief on behalf of the State of California for United States vs. State of California, Case No. 218-CV-00490.

2. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Gov't Code Section 54956.9, paragraph 1 of subdivision (d) Name of Case: Committee Supporting Cupertino Citizens' Sensible Growth Initiative et al., Plaintiffs and Appellants, v. City of Cupertino et

al., Defendants and Respondents. Santa Clara Superior Court Case No. 16CV296322 / Court of Appeal, Sixth Appellate District Case No. H043940

Mayor Paul reported that an update was provided and direction to seek recovery of costs of approximately \$4,100 was provided in a 3 - 1 vote (Paul dissenting).

Mayor Paul reported out on the closed session meeting from October 9 regarding recruitment for the City Manager. Subject: Public Employee Employment (Gov't Code 54957(b)(1); Title: City Manager Recruitment.

Mayor Paul reported that closed session was conducted and no final action was taken.

## **RECESS**

## **PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Darcy Paul reconvened the Regular 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 and Savita Vaidhyanathan. Absent: Councilmember Steven Scharf.

## **CEREMONIAL MATTERS AND PRESENTATIONS**

3. Subject: Proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week.  
Recommended Action: Present Proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week.

Mayor Paul presented the Proclamation to the Code Enforcement Officers for Code Enforcement Officer Appreciation Week.

4. Subject: Proclamation for Team Pi-oneers from Cupertino for being the 2018 National Middle School Quiz Bowl Champion  
Recommended Action: Present proclamation to Team Pi-oneers from Cupertino for being the 2018 National Middle School Quiz Bowl Champion

Mayor Paul presented the Proclamation to representatives of Team Pi-oneers from Cupertino for being the 2018 National Middle School Quiz Bowl Champion.

Mayor Paul reordered the agenda to hear item number 6 before 5.

6. Subject: Presentation from Bhubaneswar Sister City regarding recent student exchange trip  
Recommended Action: Receive presentation from Bhubaneswar Sister City regarding recent student exchange trip

Council received a presentation from Bhubaneswar Sister City regarding the recent student exchange trip.

5. Subject: Presentation from Toyokawa Sister City regarding recent student exchange trip  
Recommended Action: Receive presentation from Toyokawa Sister City regarding recent student exchange trip

Council received a presentation from Toyokawa Sister City regarding the recent student exchange trip.

## STUDY SESSION

7. Subject: Study Session on homelessness  
Recommended Action: Present on the topic of homelessness in the City and the Region

Written communications for this item included an email to Council, and staff and partner service provider organization presentations.

Senior Housing Planner Kerri Heusler and Assistant Planner Erika Povida gave a presentation on the topic of homelessness in the City and the Region.

The partner service provider presenter included:

Consuela Hernandez from the County of Santa Clara Office of Supportive Housing  
Kathy Robinson from Charities Housing  
Jan Lindenthal from MidPen Housing  
Sujatha Venkatraman from West Valley Community Services

Mayor Paul opened public comment and the following individuals spoke:

Jennifer Griffin

Bob Stromberg (Santa Clara County resident) on behalf of Destination: Home  
Karan (Cupertino resident)

Mayor Paul closed public comment.

Council received the presentation on the topic of homelessness in the City and the Region and directed staff to follow-up on these items:

- Update the website to include information on housing for students
- Explore teacher housing further and work with the County on their Board referral to discuss teacher housing with De Anza College

#### **POSTPONEMENTS - None**

#### **ORAL COMMUNICATIONS**

Jennifer Griffin talked about the Stevens Creek Urban Villages development in San Jose.

Heather Dean talked about the decrease in volunteering at the Cupertino Senior Center due to the City's new software system.

Candice Gonzalez (Palo Alto resident) on behalf of Sand Hill Property Company talked about the SB35 approval.

#### **CONSENT CALENDAR**

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

8. Subject: Approve the October 2 City Council minutes  
Recommended Action: Approve the October 2 City Council minutes
9. Subject: Receive report on commission and committee members' terms expiring January 30, 2019 and set application submittal deadline date of January 11, 2019 and candidate interview dates of January 28 and 29, 2019  
Recommended Action: a.) Receive report on commission and committee members' terms expiring January 30, 2019; and b.) Set the application submittal deadline date of 4:30 p.m. on Friday, January 11, 2019 and candidate interviews beginning at 5:00 p.m. on Monday

and Tuesday, January 28 and 29 for commission and committee members' terms expiring January 30, 2019

10. Subject: Small Cell Wireless Agreement with ExteNet Systems (California) LLC  
Recommended Action: Authorize the City Manager to enter into a Small Cell License Agreement with ExteNet Systems (California) LLC
11. Subject: Report on Bids and Award a Contract for the McClellan Ranch West Parking Lot Improvement Project (No. 2017-05)  
Recommended Action: 1. Award a construction contract to Galeb Paving, Inc. of Saratoga, California, in the amount of Six Hundred Five Thousand Eighty-two Dollars and 88/100 (\$605,082.88); and 2. Authorize a construction contingency budget of Sixty-one Thousand Dollars (\$61,000), which is approximately 10% of the construction contract amount, to address unforeseen conditions during construction.

## **SECOND READING OF ORDINANCES – None**

## **PUBLIC HEARINGS – None**

Council recessed from 8:55 p.m. to 9:00 p.m.

## **ORDINANCES AND ACTION ITEMS**

12. Subject: Consider adopting the resolution establishing a policy for accepting sponsorships  
Recommended Action: Adopt Resolution No. 18-101 establishing a policy for accepting sponsorships (Attachment A)

Senior Management Analyst Katy Nomura and Recreation Coordinator Jeff Ordway reviewed the staff report.

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Sinks moved and Vaidhyanathan seconded to adopt Resolution No. 18-101 establishing a policy for accepting sponsorships with the amendments: Authority to Department Heads up to \$1,500 and City Manager up to \$25,000; require department head discussion with City

Manager to define sponsorship/benefit structure; add language for volunteer hours; and recognize volunteers at minimum wage rate. The motion carried with Scharf absent.

13. Subject: Budget Adjustment to proceed with a Request for Proposals for architectural services for a New City Hall, an Interim City Hall and to add one 3-year Limited Term Project Manager

Recommended Action: Staff recommends Council adopt Resolution No. 18-102 approving a Budget Adjustment for the amount of \$6,175,000: 1. \$5,500,000 for architectural design services for a New City Hall, funded by the Capital Reserve, and: 2. \$500,000 for architectural design and other services as needed for the Interim City Hall, funded by the Capital Reserve, and; 3. \$87,500 to add one 3-year Limited Term Project Manager in the Department of Public Works, funded by the General Fund

Written communications for this item included an amended staff report and a staff presentation.

Director of Public Works Timm Borden reviewed the staff report.

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Staff answered questions from Councilmembers.

Sinks moved and Vaidhyanathan seconded to adopt Resolution No. 18-102 approving a Budget Adjustment in the amended amount of \$4,087,500: 1. \$3,500,000 for architectural design services for a New City Hall, funded by the Capital Reserve, and: 2. \$500,000 for architectural design and other services as needed for the Interim City Hall, funded by the Capital Reserve with direction to staff to explore finding lease space as a first priority, and; 3. \$87,500 to add one 3-year Limited Term Project Manager in the Department of Public Works, funded by the General Fund. The motion carried with Scharf absent.

14. Subject: Budget Adjustment to proceed with Request for Proposals for a market and operations feasibility study for a performing art center

Recommended Action: 1. Adopt Resolution No. 18-103 approving a Budget Adjustment in the amount of \$200,000 in the General Fund to complete a market and operations feasibility study for a performing art center; and 2. Authorize staff to hire a consultant for a contract

amount not to exceed \$200,000 to complete a market and operations feasibility study for a performing art center

Written communications for this item included a staff presentation.

City Engineer Chad Mosley reviewed the staff report.

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Sinks moved and Vaidhyanathan seconded to adopt Resolution No. 18-103 approving a Budget Adjustment in the amount of \$200,000 in the General Fund to complete a market and operations feasibility study for a performing art center and; 2. Authorize staff to hire a consultant for a contract amount not to exceed \$200,000 to complete a market and operations feasibility study for a performing art center. The motion carried with Paul voting no and Scharf absent.

15. Subject: Proposed revisions to the 2018-19 City Work Plan and Capital Improvement Program (CIP) due to the new City Hall project, the Performance Art Center (PAC) Market and Operations feasibility study, Regional Transformative Transit Initiatives, and other key initiatives

Recommended Action: 1. Revise the 2018-19 City Work Program to reprioritize certain staff efforts to allow for the meeting of schedules for several major new proposed initiatives; and 2. Amend the CIP by adding the New City Hall Project, the Interim City Hall and Relocation Project, and the Performing Arts Center Market and Operations Feasibility Study, and delaying certain projects to enable sufficient resources for these large priority projects; and 3. Adopt Resolution No. 18-104 to approve the defunding of \$4,425,750 in budgeted Capital Funds for the Capital Improvement Projects listed in Table 1

Written communications for this item included an amended Council Work Plan and a staff presentation.

Director of Public Works Timm Borden reviewed the staff report.

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Staff answered questions from Councilmembers.

Paul moved and Vaidhyanathan seconded to:

1. Revise the 2018-19 City Work Program to reprioritize certain staff efforts to allow for the meeting of schedules for several major new proposed initiatives; and include Bike-Share and Scooter-Share Policy, but remove two proposed initiatives; the Dog Off Leash Trial at Jollyman Park and the initiative to amend the Municipal Code to change construction hour start time from 7:00am to 8:00am; and
2. Amend the CIP by adding the New City Hall Project, the Interim City Hall and Relocation Project, and the Performing Arts Center Market and Operations Feasibility Study, and delaying certain projects to enable sufficient resources for these large priority projects; and
3. Adopt Resolution No. 18-104 to approve the defunding of \$4,425,750 in budgeted Capital Funds for the Capital Improvement Projects listed in Table 1, with the amendment to reduce the defunding amount by \$75,000 for the Blackberry Farm Entrance Road Improvements Feasibility Study.

The motion carried with Scharf absent.

## REPORTS BY COUNCIL AND STAFF

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

Council directed staff to follow up on the concern from the Senior Center volunteer and include a report in Items of Interest.

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

## ADJOURNMENT

At 11:40 p.m., Mayor Paul adjourned the meeting.



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Grace Schmidt, City Clerk