



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Monday, November 5, 2018**

**SPECIAL CITY COUNCIL MEETING**

**CLOSED SESSION**

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

This item was cancelled.

**STUDY SESSION**

At 5:31 p.m. Mayor Darcy Paul called the Special City Council meeting to order in the Community Hall Council Chamber, 10350 Torre Avenue.

Present: Mayor Darcy Paul, Vice Mayor Rod Sinks (5:33), and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyanathan. Absent: None.

2. Subject: Study Session regarding the Citywide Building Condition and Use Assessment  
Recommended Action: Accept a presentation on Citywide Building Condition and Use Assessment and provide staff with input prior to completion of the report.

Written communications for this item included a staff presentation.

Assistant Director of Public Works Roger Lee reviewed the staff report and presentation on Citywide Building Condition and Use Assessment.

Assistant Director Lee introduced Fleet Facilities Supervisor Ken Tanase and The KPA Group Principal Architect and Lead Consultant Paul Powers, who continued the presentation.

Staff and consultants answered questions from Council.

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

Council received the presentation on Citywide Building Condition and Use Assessment and provided staff with the following input:

- Vaidhyanathan: Look into Monta Vista Community Center and a new Service Center admin building for consideration as potential locations of an interim City Hall; and bring back IT Department update regarding One Concern software on seismic safety.
- Sinks: Hold off until Parks Master Plan comes back to Council and include any commission input from Plan.
- Paul: Get clarity on a new City Hall and bring back for update and discussion perhaps by end of year.

## **ADJOURNMENT**

At 6:25 p.m., Mayor Paul adjourned the Special City Council meeting.

## **REGULAR MEETING**

### **PLEDGE OF ALLEGIANCE**

At 6:47 p.m. Mayor Darcy Paul called 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, Steven Scharf, and Savita Vaidhyanathan. Absent: None.

In open session, Mayor Paul reported out on closed session meetings that were held on October 30 and November 1:

Mayor Paul reported out that a closed session was held on October 30 regarding:

Subject: Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One Potential Case

Written communications for this item included emails to Council.

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

Kitty Moore (Cupertino resident)

Lisa Warren (Cupertino resident)

Ignatius Y. Ding (Cupertino resident) – distributed written comments

Naidu Bollineni (Cupertino resident)

Mayor Paul announced that an update was provided and direction was given.

Mayor Paul also reported out that a closed session was held on November 1 regarding:

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

Mayor Paul announced that an update was provided and direction was given and no action was taken.

#### **CEREMONIAL MATTERS AND PRESENTATIONS - None**

#### **POSTPONEMENTS - None**

#### **ORAL COMMUNICATIONS**

Julia Miyakawa (Cupertino resident) talked about public records regarding the Regnart Creek Trail Feasibility Study.

Jennifer Griffin talked about a proposed City of San Jose hotel project located at Stern Avenue and Stevens Creek Boulevard.

Robert McCoy, representing himself, (Cupertino resident) talked about community groups in Cupertino and communications on Nextdoor - distributed written comments.

Connie Cunningham (Cupertino resident) talked about Vallco, affordable housing, and community benefits.

Gary Wong (Cupertino resident) talked about the Regnart Creek Trail Feasibility Study and community outreach in the EIR process.

Lisa Warren talked about communications on Nextdoor and community groups in Cupertino.

Barry Chang, representing himself, talked about a tort claim filed by the former Cupertino City Attorney.

Mayor Paul requested that staff agendaize an item for discussion at a future meeting regarding adding email addresses to speaker cards for staff follow-up.

## CONSENT CALENDAR

Scharf moved and Sinks seconded to approve the items on the Consent Calendar as presented with the exception of item number 2 which was pulled for discussion. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyathan. Noes: None. Abstain: None. Absent: None.

1. Subject: Approve the October 16 City Council minutes  
Recommended Action: Approve the October 16 City Council minutes
2. Subject: Second Amendment Agreement with Avocette Technologies, Inc. for professional services in implementing Accela Permitting and Land Management System.  
Recommended Action: Authorize the City Manager to execute a Second Amendment Agreement with Avocette Technologies, Inc. for the implementation of Accela Permitting and Land Management System, which represents \$109,362 added to the Council approved First Amendment Agreement in the amount of \$299,143 for a total of \$408,505.

Chief Technology Officer Bill Mitchell reviewed the staff report and answered questions from Council.

Chang moved and Scharf seconded to authorize the City Manager to execute a Second Amendment Agreement with Avocette Technologies, Inc. for the implementation of Accela Permitting and Land Management System, which represents \$109,362 added to the Council approved First Amendment Agreement in the amount of \$299,143 for a total of \$408,505. The motion carried unanimously.

3. Subject: Application for Alcohol Beverage License for Qin-Tang Charm Restaurant, Inc (dba Qin-Tang Charm Restaurant), 10271 Torre Avenue  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Qin-Tang Charm Restaurant, Inc (dba Qin-Tang Charm Restaurant), 10271 Torre Avenue
4. Subject: Application for Alcohol Beverage License for Alchena Capital, LLC (dba Kiku

Sushi), 1655 S. De Anza Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Alchena Capital, LLC (dba Kiku Sushi), 1655 S. De Anza Boulevard

5. Subject: Mitigation Fee Act - Annual and Five-Year Report - Fiscal Year 2017-2018  
Recommended Action: Accept the Five-Year and Annual Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and Adopt Resolution No. 18-105 entitled "A Resolution of the City Council of the City of Cupertino, California, Approving the Five-Year and Annual Development Impact Fee Reports and Making Required Findings."
6. Subject: Notice of Intent to Vacate an Easement for Storm Drain Retention Basin Purposes located on 23500 Christo Rey Drive  
Recommended Action: Adopt Resolution No. 18-106 to notice the public of the intent to vacate an easement for storm drain retention basin purposes located on 23500 Cristo Rey Drive, and set a public hearing on December 4, 2018, at 6:45 p.m.

**SECOND READING OF ORDINANCES** - None

**PUBLIC HEARINGS** - None

**ORDINANCES AND ACTION ITEMS** - None

**REPORTS BY COUNCIL AND STAFF**

7. 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.

Requested the City Attorney follow-up as necessary with the earlier Oral Communications speakers.

**ADJOURNMENT**

At 7:33 p.m., Mayor Paul adjourned the Regular City Council meeting.

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Kirsten Squarcia, Deputy City Clerk