



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, November 20, 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: Proclamations to Cupertino Girl Scout Troop 60657 Silver Award Recipients recognizing their work in the community
Recommended Action: Present proclamations to Cupertino Girl Scout Troop 60657 Silver Award Recipients recognizing their work in the community

Mayor Paul presented Proclamations to Cupertino Girl Scout Troop 60657 Silver Award Recipients recognizing their work in the community.

2. Subject: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)
Recommended Action: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Mayor Paul presented Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS).

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Phyllis Dickstein (Cupertino resident) talked about the annual Mayor/Vice Mayor rotation; concern over potential Brown Act violation of three Councilmembers; and political views regarding the SB35 project.

Jennifer Shearin (Cupertino resident) speaking also as Chair of the Cupertino Bicycle Pedestrian Commission talked about the Regnart Creek Trail.

Tim McRae (San Jose resident) speaking on behalf of the Silicon Valley Leadership Group talked about the upcoming 14th Annual Applied Materials Turkey Trot fundraiser held on Thanksgiving Day.

Chris Moylan (Sunnyvale resident) speaking on behalf of Congressman Ro Khanna talked about the upcoming Town Hall meeting to be held in Cupertino in January and also invited college students to apply to intern in the Congressman's office.

Balaji Ghalam (Cupertino resident) talked about negative experiences with disrupters during the signing of the Referendum petitions.

Ignatius Ding (Cupertino resident) also speaking on behalf of Tessa Parish (Cupertino resident) and Pam Hershey (Cupertino resident) talked about negative experiences with disrupters during the signing of the Referendum petitions and also concern over the former City Attorney's absence (he distributed written comments).

Rhoda Fry (Cupertino resident) talked about fire safety in Cupertino especially in buildings.

Muni Madhhipatla (Cupertino resident) talked about negative experiences with disrupters during the signing of the Referendum petitions and concern over flyers with the Vice Mayor's picture being distributed giving the impression that the City was against the petitions.

Naidu Bollineni (Cupertino resident) talked about negative experiences with disrupters during the signing of the Referendum petitions.

Joe Pereira (Cupertino resident) talked about negative experiences with disrupters during the signing of the Referendum petitions.

Lisa Warren read an email she had received addressed to Better Cupertino supporters regarding the Vice Mayor (she distributed written comments).

Barry Chang speaking as a private resident talked about not being allowed to speak at the

last meeting which violated his right to freedom of speech.

CONSENT CALENDAR

Chang moved and Sinks seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 3 and 9 which were pulled for discussion. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

3. Subject: Approve the November 5 City Council minutes
Recommended Action: Approve the November 5 City Council minutes

Lisa Warren spoke on this item.

Sinks moved and Scharf seconded to approve the November 5 City Council minutes as amended on page 3 regarding report out of closed session to read: "Before Council went into closed session, the following individuals spoke:" The motion carried with Chang voting no.

4. Subject: Accept Accounts Payable for the period ending August 24, 2018
Recommended Action: Adopt Resolution No. 18-107 accepting Accounts Payable for the period ending August 24, 2018
5. Subject: Accept Accounts Payable for the period ending August 31, 2018
Recommended Action: Adopt Resolution No. 18-108 accepting Accounts Payable for the period ending August 31, 2018
6. Subject: Accept Accounts Payable for the period ending September 07, 2018
Recommended Action: Adopt Resolution No. 18-109 accepting Accounts Payable for the period ending September 07, 2018
7. Subject: Accept Accounts Payable for the period ending September 14, 2018
Recommended Action: Adopt Resolution No. 18-110 accepting Accounts Payable for the period ending September 14, 2018
8. Subject: Declare weeds to be a public nuisance and set hearing date of January 15 to consider objections for proposed removal
Recommended Action: Adopt Resolution No. 18-111 declaring weeds to be a public nuisance and setting a hearing date of January 15 to consider objections to proposed removal

9. Subject: Guidelines for an 18-month pilot program to enable bicycle sharing systems to operate within Cupertino, subject to City criteria regarding parking, quality of bicycles, and other factors.

Recommended Action: Adopt Resolution No. 18-112, "A Resolution of the City Council of Cupertino approving guidelines enabling an 18-month pilot program for dockless bicycle sharing."

Written communications for this item included a staff presentation.

Director of Public Works Timm Borden and Senior Transit & Transportation Planner Chris Corrao reviewed the staff report and presentation.

Vaidhyanathan moved and Sinks seconded to adopt Resolution No. 18-112, "A Resolution of the City Council of Cupertino approving guidelines enabling an 18-month pilot program for dockless bicycle sharing with an amendment to the policy scope to change 72 hours to 4 hours for vendor response time to remove equipment and to check back with Council in 9 months." The motion carried unanimously.

In open session, Mayor Paul reported out on a closed session meeting that was held on November 8.

Subject: Conference with Real Property Negotiators (§ 54956.8). Property: Cupertino Library, 10800 Torre Ave, Cupertino, CA 95014. Agency Negotiation: Jaqui Guzmán, Deputy City Manager and Chad Mosely, City Engineer. Negotiating Parties: Santa Clara County Library JPA. Under Negotiation: Terms of lease, price, and payment.

Mayor Paul reported out that direction was given and no final action was taken.

Subject: Public Employment (Gov't Code Section 54957) - Title: City Attorney

Before Council went into closed session, Randy Shingai spoke.

Mayor Paul reported out that direction was given and no final action was taken.

SECOND READING OF ORDINANCES – None

PUBLIC HEARINGS – None

ORDINANCES AND ACTION ITEMS

10. Subject: Approve the First Quarter Financial Report for Fiscal Year 2018-19
Recommended Action: 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2018-19; and 2. Approve the First Quarter adjustments for Fiscal Year 2018-19 as described in the First Quarter Financial Report; and 3. Adopt Resolution No. 18-113 approving First Quarter Budget Adjustments

Written communications for this item included a staff presentation.

Director of Administrative Services Kristina Alfaro reviewed the staff report.

Sinks moved and Chang seconded to 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2018-19; and 2. Approve the First Quarter adjustments for Fiscal Year 2018-19 as described in the First Quarter Financial Report; and 3. Adopt Resolution No. 18-113 approving First Quarter Budget Adjustments with an amendment regarding suspending funding for the Sievert property (\$37,000) and the Blesch Property (\$2,500), and bring the item back to a future Council meeting with a plan for consideration. The motion carried unanimously.

Council recessed from 9:10 p.m. to 9:20 p.m.

11. Subject: Overview of City Commissions and recommendations for improving their effectiveness and communications with the City Council
Recommended Action: 1. Conduct the first reading of Ordinance No. 18-2180: "An Ordinance of the Cupertino City Council Amending the Cupertino Municipal Code, Title 2, to Update, Clarify, and Improve Consistency in Various Provisions Pertaining to City Commissions" 2. Conduct the first reading of Ordinance No. 18-2181: "An Ordinance of the Cupertino City Council Adding Chapter 2.95 to the Cupertino Municipal Code, Title 2, to establish the Teen Commission by Ordinance" 3. Conduct the first reading of Ordinance No. 18-2182: "An Ordinance of the Cupertino City Council Repealing Ordinance No. 006 and Amending Chapter 2.08 of the Cupertino Municipal Code Regarding Adoption of Robert's Rules of Order" 4. Adopt Resolution No. 18-114 adopting Rosenberg's Rules of Order as the official Parliamentary Procedures for City Council meetings 5. Adopt Resolution No. 18-115 adopting the City of Cupertino Code of Ethics and Conduct for Elected and Appointed Officials 6. Approve staff recommendations to improve efficiency and communication detailed in the Summary of Recommendations section of this report

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

Senior Management Analyst Katy Nomura reviewed the staff report.

Mayor Paul opened public comment and the following individuals spoke on this item:

Jennifer Griffin

Marie Liu (Cupertino resident)

Jean Bedord (Cupertino resident)

Rhoda Fry

David Fung (Cupertino resident)

Mayor Paul closed public comment.

City Clerk Grace Schmidt read the title of Ordinance No. 18-2180.

Chang moved and Sinks seconded to read Ordinance No. 18-2180 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.

City Clerk Grace Schmidt read the title of Ordinance No. 18-2181.

Chang moved and Sinks seconded to read Ordinance No. 18-2181 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.

City Clerk Grace Schmidt read the title of Ordinance No. 18-2182.

Chang moved and Sinks seconded to read Ordinance No. 18-2182 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.

Sinks moved and Chang seconded to adopt Resolution No. 18-114 adopting Rosenberg's Rules of Order as the official Parliamentary Procedures for City Council meetings. The motion carried unanimously. (Sinks original motion added the requirement of 2/3 of body to stop a debate and he retracted that motion to go with staff recommendation as written).

Sinks moved and Chang seconded to adopt Resolution No. 18-115 adopting the City of Cupertino Code of Ethics and Conduct for Elected and Appointed Officials with the following amendments: Chair of meeting will inform the public regarding establishing proper decorum at meetings to make a welcoming environment for speakers; highlight mutual respect with Council toward each other and the public; add social media guidelines; include guidelines on appropriate conduct of Councilmembers with staff. The motion carried unanimously.

Sinks moved and Chang seconded to approve staff recommendations to improve efficiency and communication detailed in the Summary of Recommendations section of this report. With the following additions: All commissions will audio record their meetings, do action minutes, and retention will be updated to make the audio recordings be a permanent record as per noted in staff report item 4a under Summary of Recommendations; instead of the Mayor reporting out to Council on Mayor's meeting, the commission will report on mayor's meeting in Items every other month. The motion carried unanimously.

12. Subject: Consider updates to the City's Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations
Recommended Action: Approve amendments to Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations

Deputy City Manager Jaqui Guzman reviewed the staff report.

Chang moved and Scharf seconded to approve amendments to Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations with the following amendments: To exempt from the new policy the two Friendship Cities applying to renew; strike language added under Travel Expenses regarding lodging and other trip-related expenses should be covered by the host city or Sister City Committee and are not eligible for reimbursement; clarify language that it's one trip per Councilmember per year to receive 50% reimbursement; and increase host-city dignitary gift to \$200. The motion carried unanimously.

REPORTS BY COUNCIL AND STAFF

13. 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 12:25 a.m. on Wednesday, November 21, Mayor Paul adjourned the meeting.

Grace Schmidt, City Clerk