



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, April 30, 2019**

**SPECIAL CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

At 5:30 p.m. Mayor Steven Scharf called the Special 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 Steven Scharf, Vice Mayor Liang Chao (5:31 p.m.), and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Presentation commemorating the 10 Year Anniversary of the Don Burnett Bridge  
Recommended Action: Receive presentation commemorating the 10 Year Anniversary of the Don Burnett Bridge

Interim City Manager Timm Borden introduced the item and a video presentation was shown commemorating the 10 Year Anniversary of the Don Burnett Bridge.

Council received the video presentation commemorating the 10 Year Anniversary of the Don Burnett Bridge.

**POSTPONEMENTS – None**

Mayor Scharf reported out from the closed session held on April 22:

1. 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 (regarding two related claims submitted by Randolph Hom under the Government Claims Act).

Mayor Scharf announced that no reportable action was taken.

2. Subject: Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: APN 375-21-001 & 375-22-001, Lawrence Expressway at Mitty Avenue. Agency Negotiators: Chad Mosley and Heather Minner. Negotiating Parties: County Roads and Airports. Under Negotiation: Price and terms of payment

Mayor Scharf announced that Council considered a proposed purchase and sale agreement from the County for the County's sale of the Lawrence Mitty property to the City. Council provided direction to its negotiators regarding potential price and terms. No reportable action was taken.

3. Subject: Conference with Real Property Negotiators pursuant to Government Code 54956.8; Property: 10350 Torre Avenue (Community Hall), Agency Negotiators: Chad Mosley and Heather Minner; Negotiating Parties: Santa Clara County Library Joint Powers Authority; Under Negotiation: Price and terms of potential license agreement.

Mayor Scharf reported that direction was given to the City's negotiators regarding price and terms of a potential license agreement between the City and the Library for use of Community Hall. No reportable action was taken.

4. Subject: Conference with Real Property Negotiators pursuant to Government Code 54956.8; Property: 10800 Torre Avenue (Library), Agency Negotiators: Chad Mosley and Heather Minner; Negotiating Parties: Santa Clara County Library Joint Powers Authority; Under Negotiation: Price and terms of lease.

Mayor Scharf reported that no reportable action was taken.

5. Subject: Conference with Legal Counsel - Anticipated Litigation; Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): Two potential cases.

Mayor Scharf reported that no reportable action was taken on the first potential case and no reportable action was taken on the second potential case.

6. Subject: Liability Claim pursuant to Government Code Section 54956.95; Claimant: Tim Koren, Agency claimed against: City of Cupertino.

Mayor Scharf reported that Council provided direction regarding settlement of a claim against the City of Cupertino by Mr. Tim Koren for property damage. A settlement has now been reached. \$17,231.34 was approved for payment and agreed upon by Mr. Koren.

## ORAL COMMUNICATIONS

Jean Bedord (Cupertino resident) talked about the recent Planning Commission meeting and the Chair's comments regarding housing (distributed written comments).

Cathy Helgersen (Cupertino resident) talked about Lehigh and Regnart Creek.

## STUDY SESSION

Mayor Scharf recused himself from this item and left the dais.

2. Subject: Update regarding City Hall Design/Delivery/Funding Strategy and Library Expansion/Funding Strategy  
Recommended Action: Receive update and provide comments regarding a.) City Hall Design/Delivery Strategy including potential funding, and; b.) Library Expansion Strategy including potential funding.

Written communications for this item included a presentation.

Acting Director of Public Works Roger Lee gave an update regarding City Hall Design/Delivery/Funding Strategy and Library Expansion/Funding Strategy.

Vice Mayor Chao opened public comment and the following individuals spoke:

Cathy Helgersen (Cupertino resident)

Rhoda Fry (Cupertino resident)

Kiran Varshneya (Cupertino resident) on behalf of Cupertino Library Foundation  
(distributed written comments)

Gopal Kumarappan on behalf of Cupertino Library Foundation

Ilango Ganga (Cupertino resident)

Jean Bedord (Cupertino resident)

Liana Crabtree (Cupertino resident)

Art Cohen on behalf of Cupertino Library Foundation

Henry Sang Jr. (Cupertino resident) on behalf of Cupertino Library Foundation  
(distributed written comments)

Rahul Vasanth

Vice Mayor Chao closed public comment.

Cupertino Librarian Clare Varesio and Santa Clara County Librarian Nancy Howe answered questions from Council.

Council received the update and provided comments regarding a.) City Hall Design/Delivery Strategy including potential funding, and; b.) Library Expansion Strategy including potential funding.

Consensus comments and direction included: decouple City Hall and Library Expansion projects; compare library construction costs with other cities such as Morgan Hill and Campbell and provide details of multiple bids; gather input from subcommittee of library users and Library Foundation to bring back options on design for Library program room expansion. Regarding City Hall: gather input from community groups and consider additional options such as at Memorial Park; bring back more detail regarding seismic need and what seismic improvements at the existing City Hall would provide along and other upgrades; value engineering; allocate dollars toward a building fund for long-term plan for City Hall; bring back options to Council.

Mayor Scharf returned to the dais and Council recessed from 9:37 p.m. to 9:45 p.m.

3. Subject: Study Session on the FY 2019 - 2024 Proposed Capital Improvement Program with Funding Options  
Recommended Action: Receive 5-year Capital Improvement Program options regarding projects and funding and provide comments.

Written communications for this item included emails to Council, CIP Program Survey, Attachments A-C, and a presentation.

Acting Director of Public Works Roger Lee gave a presentation on the FY 2019 - 2024 Proposed Capital Improvement Program with Funding Options.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin  
Liana Crabtree (Cupertino resident)  
Ilango Ganga (Cupertino resident)  
Kathy Chole (Cupertino resident)

Mayor Scharf closed public comment.

Paul moved and Willey seconded to allocate \$5 million toward the Library Expansion project from the City's capital reserves and to reflect this on the CIP document that comes back to Council. The motion carried with Scharf recusing.

Additional consensus comments and direction included: Agendize prioritization of Citywide bike projects in the CIP but don't delay the CIP; when prioritization changes are made to the CIP list keep the original prioritization number; populate a 10-yr CIP to better show projects in out years; include master plan projects that are known beyond the 10 years and include costs for these projects as available.

Paul moved and Sinks seconded to continue this item to a date in the future. The motion carried unanimously.

#### **REPORTS BY COUNCIL AND STAFF - None**

#### **ADJOURNMENT**

At 11:10 p.m., Mayor Scharf adjourned the meeting.

---

Grace Schmidt, City Clerk