



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Monday, July 8, 2019**

SPECIAL CITY COUNCIL MEETING

At 5:30 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

CLOSED SESSION

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.

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

Caryl Gorska (Cupertino resident), on behalf of Friends of Better Cupertino.

1. Subject: Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(1); Re: Pending Litigation; Friends of Better Cupertino, et al. v. City of Cupertino; Santa Clara County Superior Court, Case No. 18CV330190 (SB 35 Vallco Project)

In open session Mayor Scharf reported that the Council discussed with legal counsel this pending litigation for which discussion in open session would prejudice the City in the litigation. No reportable action was taken.

Mayor Scharf also reported out for the June 21, 2019 Closed Session:

1. Subject: Conference with Labor Negotiator (Government Code Section 54957.6); City designated representatives: Director of Administrative Services Kristina Alfaro, City Manager Deborah Feng, and Richard Bolanos with Liebert Cassidy Whitmore; Employee organizations: Operating Engineers Local No. 3 Union; Cupertino Employees' Association; Unrepresented (Management and Confidential) Employees' Compensation Program.

Mayor Scharf reported that no reportable action was taken.

2. 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 Deborah Miller. Negotiating Parties: County Roads and Airports. Under Negotiation: Price and terms of payment.

Mayor Scharf reported that Council further 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 Legal Counsel - Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1), conference with Legal Counsel regarding existing litigation: Huang Family v. City of Cupertino, Santa Clara County Superior Court Case No. 19CV347316.

Mayor Scharf reported that Council considered a lawsuit against the City filed by the "Huang Family" seeking to vacate code enforcement fines for the unpermitted construction of a two-story structure that violates the City's height and setback limits. Council authorized the City Attorney to defend the litigation by a unanimous vote of all councilmembers.

OPEN SESSION

PLEDGE OF ALLEGIANCE

At 6:49 p.m. Mayor Steven Scharf reconvened 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, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Lisa Warren talked about tree maintenance at the Vallco site and a financial spreadsheet related to the Vallco Specific Plan.

John Geis (Cupertino resident) talked about Planning Commission Chair R “Ray” Wang’s recent comments on social media.

Alejandro Marti presented a video on behalf of Richard Mehlinger regarding Planning Commission Chair Ray Wang’s comments on social media.

Charlene Lee (Cupertino resident) talked about her arrest at Monta Vista High School and the information contained in the police report.

CONSENT CALENDAR

Item numbers 2 and 3 on the Consent Calendar were pulled for discussion.

2. Subject: Settlement Agreement between the City of Cupertino and its former City Attorney, Randolph Hom.
Recommended Action: Approve and authorize the City Manager to execute a Settlement Agreement and Mutual General Release between the City of Cupertino and Randolph Hom.

Written communications for this item included emails to Council.

Finance Manager Zach Korach reviewed the staff report.

Mayor Scharf opened public comment and the following individuals spoke:

Jean Bedord (Cupertino resident)
Lisa Warren

Mayor Scharf closed public comment.

Paul moved and Willey seconded to approve and authorize the City Manager to execute a Settlement Agreement and Mutual General Release between the City of Cupertino and Randolph Hom. The motion carried with Sinks voting no.

3. Subject: Community Hall license agreement with Santa Clara County Library District
Recommended Action: Authorize the City Manager to execute a Temporary Use Agreement and License with Santa Clara County Library Joint Powers Authority for

library use of Cupertino Community Hall (10350 Torre Avenue)

City Engineer and Acting Assistant Director of Public Works Chad Mosely reviewed the staff report.

Mayor Scharf opened public comment and the following individuals spoke:

Robert McKibbin, Friends of the Cupertino Library President

Kathy Stakey (Cupertino resident), on behalf of Friends of the Cupertino Library

Mayor Scharf closed public comment.

Cupertino Librarian Clare Varesio answered questions from Council.

Paul moved and Willey seconded to authorize the City Manager to execute a Temporary Use Agreement and License with Santa Clara County Library Joint Powers Authority for library use of Cupertino Community Hall (10350 Torre Avenue) and that Council authorize a permanent ongoing fee waiver for the Friends of the Cupertino Library (the "Friends") for the use of Community Hall for the Friends' three weekend book sales per year. The motion carried unanimously.

ADJOURNMENT

At 8:08 p.m. Mayor Scharf adjourned the meeting.

Kirsten Squarcia, Deputy City Clerk