



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, October 6, 2020

**SPECIAL CITY COUNCIL MEETING**

At 5:00 p.m. Mayor Steven Scharf called the Special City Council meeting to order. This was a teleconference meeting with no physical location.

**ROLL CALL**

Present: Mayor Steven Scharf, Vice Mayor Darcy Paul (5:15), and Councilmembers Liang Chao, Rod Sinks, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

**CLOSED SESSION**

1. Subject: Conference with Legal Counsel - Anticipated Litigation. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (one potential case)

In open session, Mayor Scharf announced that Council conferred with legal counsel regarding one potential case. No reportable action was taken.

**OPEN SESSION**

At 5:30 p.m. Mayor Steven Scharf reconvened the Special City Council meeting to order. This was a teleconference meeting with no physical location.

**ROLL CALL**

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

**STUDY SESSION**

1. Subject: Study session to receive input on services to be provided in a new 10-year franchise agreement  
Recommended Action: Receive and provide input on services to be provided in a new 10-year franchise agreement

Written communications for this item included a staff presentation.

Environmental Programs Manager Ursula Syrova gave a presentation.

Councilmembers asked questions and made comments.

Mayor Scharf opened the public comment period and, seeing no speakers, closed the public comment period.

Council conducted the study session on services to be provided in a new 10-year franchise agreement with Recology and provided the following input.

There was unanimous interest in exploring ways of reducing contaminants in the recyclables.

## **ADJOURNMENT**

### **REGULAR CITY COUNCIL MEETING**

At 6:45 p.m. Mayor Steven Scharf called the Regular City Council meeting. This was a teleconference meeting with no physical location.

## **ROLL CALL**

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

## **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamation declaring October 4th to 10th as Mental Illness Awareness Week  
Recommended Action: Present proclamation declaring October 4th to 10th as Mental Illness Awareness Week

Mayor Scharf presented the proclamation declaring October 4th to 10th as Mental

Illness Awareness Week.

2. 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 Scharf presented the proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week.

**POSTPONEMENTS - None**

### **ORAL COMMUNICATIONS**

Jean Bedord supported Measure M for Fremont Union High School District (FUHSD) and opposed the square foot parcel tax for Cupertino Union School District (CUSD). (Submitted written comments).

Bicycle Pedestrian Commissioner Muni Madhhipatla (representing self) requested enforcement of political signs that are illegally placed.

Fine Arts Commissioner Sudha Kasamsetty (representing self) supported the square foot parcel tax for Cupertino Union School District (CUSD).

City Clerk Kirsten Squarcia read an email on behalf of John Kolski opposing the speed bumps installed at the intersection of Merriman Road and Alcalde Road.

Housing Commissioner Tessa Parrish (representing self) requested a mural installation to cover the graffiti off southbound Interstate Highway 280 before Wolfe Road.

### **REPORTS BY COUNCIL AND STAFF (10 minutes)**

3. Subject: City Manager update on emergency response efforts  
Recommended Action: Receive City Manager update on emergency response efforts

City Manager Deborah Feng reported on COVID-19 case counts, testing opportunities, and potential health orders, Parks and Recreation activities, and guidance for Halloween; high heat and air quality, homeless encampments, and an upcoming community forum on implicit bias.

Council received the City Manager update on emergency response efforts.

4. Subject: Report on Committee assignments  
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

## CONSENT CALENDAR

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

5. Subject: Approve the September 15 City Council minutes\_  
Recommended Action: Approve the September 15 City Council minutes\_
6. Subject: Authorize the City Manager to execute an agreement with OpenGov, Inc. to renew a contract for budgeting, performance, communications, and reporting software for a total amount of \$318,520 over five years.  
Recommended Action: Authorize the City Manager to execute an agreement with OpenGov, Inc. to renew a contract for budgeting, performance, communications, and reporting software for a total amount of \$318,520 over five years.
7. Subject: Award and authorize the City Manager to execute a construction contract with Spencon Construction, Inc, for the 2020 Reconstruction of Curbs, Gutters and Sidewalks, Project No. 2021-102  
Recommended Action: Award a construction contract for the 2020 Reconstruction of Curbs, Gutters and Sidewalks project; and authorize the City Manager to execute a construction contract with Spencon Construction, Inc., in the amount of \$843,713.75 and further authorize the Director of Public Works to execute any necessary change orders up to a 10% construction contingency of \$84,371.00 for a total of \$928,084.75
8. Subject: Approval of a Master Agreement between the City of Cupertino and 4Leaf, Inc. and a separate Master Agreement between the City of Cupertino and CSG Consultants, Inc., to provide construction management services on various Capital Improvement Program (CIP) projects  
Recommended Action: 1) Authorize the City Manager to execute a Master Agreement between the City of Cupertino and 4Leaf, Inc. in the amount not to exceed \$500,000 for a term of approximately two years; and  
2) Authorize the City Manager to execute a Master Agreement between the City of Cupertino and CSG Consultants, Inc. in the amount not to exceed \$500,000 for a term of approximately two years

## SECOND READING OF ORDINANCES

## PUBLIC HEARINGS

## ORDINANCES AND ACTION ITEMS

9. Subject: Discussion to adopt a position on Proposition 16, Proposition 19, Proposition 21, Measure RR, and Measure S that are on the November 2020 General Election Ballot  
Recommended Action: Discuss and determine whether the City will adopt a position on Proposition 16, Proposition 19, Proposition 21, Measure RR, and Measure S that are on the November 2020 General Election Ballot

Written communications for this item included emails to Council.

Townsend Public Affairs State Capitol Director Casey Elliot gave a presentation.

Councilmembers asked questions and made comments.

Mayor Scharf opened the public comment period and the following people spoke.

Shubhra Dubey supported Proposition 16.

Ishita Dubey supported Proposition 16.

Bicycle Pedestrian Commissioner Muni Madhhipatla (representing self) opposed Proposition 16.

Neil Park-McClintick supported Proposition 16.

Justin Li did not support affirmative action as discriminatory against Asians.

Sydney Ji supported Proposition 16.

Peggy Griffin opposed making any selections and supported conducting a study session allowing people to express their opinions.

Selina Li supported Proposition 16.

Nathan Lee supported Proposition 16.

Planning Commissioner Vikram Saxena (representing self) opposed Proposition 16.

Tony Guan opposed Proposition 16.

Qinghua Huang opposed Proposition 16.

City Clerk Kirsten Squarcia read emails on behalf of Brianna Aguilar and Alexis Ellis opposing Proposition 16.

Domingo Candelas supported Measure S.

Rachael Gibson supported Measure S.

Rick Callender supported Measure S.

Zach Zhang opposed Proposition 16.

Madhuri Kishore opposed Proposition 16.

Mayor Scharf closed the public comment period.

Paul moved and Scharf seconded that Council abstain from adopting a position on all measures as presented. The motion carried unanimously.

10. Subject: City Council to consider modification of Cupertino Municipal Code Section 2.18.030 to limit the use of City Attorney time by individual City Councilmembers. Recommended Action: City Council to consider modification of Cupertino Municipal Code Section 2.18.030 to limit the use of City Attorney time by individual City Councilmembers; and if Council decides to proceed, conduct the first reading of Ordinance No. 20-2212: An Ordinance of the City Council of the City of Cupertino Amending City Code Section 2.18.030 (Council-Attorney Relations) of Chapter 2.18 (City Attorney) to Title 2 (Administration and Personnel) to Limit use of City Attorney Time by Individual City Councilmembers.

Written Communications for this item included emails to Council.

Assistant City Manager Dianne Thompson reviewed the staff report.

Councilmembers asked questions and made comments.

Mayor Scharf opened the public comment period and the following people spoke.

Jean Bedord supported limiting the use of City Attorney time for Councilmembers. (Submitted written comments).

Planning Commissioner Kitty Moore (representing self) was concerned about changing the code without clear cause or direction.

Jim Moore opposed limiting the use of City Attorney time for Councilmembers.

Lisa Warren opposed limiting the use of City Attorney time for Councilmembers.

Peggy Griffin opposed limiting the use of City Attorney time for Councilmembers.

Tessa Parish opposed limiting City Attorney time for Councilmembers but supported exploring other fiscal options.

Mayor Scharf closed the public comment period.

Paul moved and Scharf seconded to table the item; and form a subcommittee comprised of Willey and Paul to meet bimonthly or quarterly to evaluate legal billings and the legal process, and report back to Council. The motion carried with Sinks voting no.

11. Subject: COVID-19 Response: Coronavirus Aid, Relief and Economic Security (CARES) Act Framework and Funding Priorities  
Recommended Action: 1. Review, discuss, and approve CARES Act Grant Funding and Funding Priorities.  
2. Adopt Resolution No. 20-116 amending the budget and authorizing the City Manager to accept \$735,259 Coronavirus Relief Fund (CRF) from the US Treasury (pass-through via the State of California) and \$553,939 in CARES-CV from US Department of Housing and Urban Development (HUD).

Written Communications for this item included a staff video presentation.

Finance Manager Zach Korach played a video presentation.

Councilmembers asked questions and made comments.

Mayor Scharf opened the public comment period and the following people spoke.

Planning Commissioner Kitty Moore (representing self) asked about funds for small businesses assistance and homeless encampment support.

Mayor Scharf closed the public comment period.

Paul moved and Scharf seconded to adopt Resolution No. 20-116 amending the budget and authorizing the City Manager to accept \$735,259 Coronavirus Relief Fund (CRF) from the US Treasury (pass-through via the State of California) and \$553,939 in CARES-CV from US Department of Housing and Urban Development (HUD). The motion carried unanimously.

**ORAL COMMUNICATIONS - CONTINUED (As necessary) - None**

## **COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

- Added an agenda item for a report on how Regnart Creek Trail fence dollars are being allocated (Willey/Chao)
- Added a study session on homeless housing solutions in Cupertino (Willey/Paul)

## **ADJOURNMENT**

At 10:58 p.m., Mayor Scharf adjourned the meeting. Note: A special meeting of the Cupertino Public Facilities Corporation followed the regular City Council meeting.

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Kirsten Squarcia, City Clerk