



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, August 18, 2015**

CITY COUNCIL MEETING

ROLL CALL

At 6:00 p.m. Mayor Rod Sinks called the City Council meeting to order in Cupertino City Hall Conference Room A, 10300 Torre Avenue.

Present: Mayor Rod Sinks, Vice Mayor Barry Chang, and Council members Darcy Paul Savita Vaidhyanathan, and Gilbert Wong. Absent: None.

At 6:00 p.m. Council went into closed session and reconvened in open session at 6:45 p.m. in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue.

CLOSED SESSION

Mayor Sinks announced that Council held a closed session on August 7 regarding Public Employment (Gov't Code Section 54957) - Title: City Attorney and that Council obtained a briefing regarding the City Attorney recruitment.

1. Subject: Workers' Compensation Claim (Gov't Code Section 54956.95). Claimant: Russell Polito. Agency Claimed Against: City of Cupertino

Mayor Sinks announced that Council obtained a briefing and gave direction.

2. Subject: Workers' Compensation Claim (Gov't Code Section 54956.95). Claimant: Marcos Kubow. Agency Claimed Against: City of Cupertino

Mayor Sinks announced that Council obtained a briefing and gave direction.

PLEDGE OF ALLEGIANCE

At 6:45 p.m. Mayor Rod Sinks reconvened the City Council meeting to order in Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Rod Sinks, Vice Mayor Barry Chang, and Council members Darcy Paul, Savita Vaidhyanathan, and Gilbert Wong. Absent: None.

CEREMONIAL MATTERS AND PRESENTATION

3. Subject: Present proclamation to the Recreation and Community Services staff thanking them for their service at the 4th of July activities
Recommended Action: Present proclamation

Mayor Sinks presented the proclamation to Director of Recreation and Community Services Carol Atwood.

4. Subject: Presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2015-2016
Recommended Action: Receive the presentation

Written communications for this item included a PowerPoint presentation.

Chair of the Parks and Recreation Commission David Fung made a presentation regarding the Commission Work Plan for Fiscal Year 2015-2016 via a PowerPoint presentation.

Council received the presentation.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Arpitha Rao talked about water conservation.

Cathy Helgersen noted an upcoming Drought Forum with Senator Jim Beall on September 26 from 10-12 at Quinlan Community Center. She also talked about the City finding ways to clean the air due to pollution from Lehigh.

Rhoda Fry talked about the proposed new development for City buildings and shared concerns of cost, ADA issues, and urged smart, simple design.

CONSENT CALENDAR

Wong moved and Vaidhyanathan seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 12-15 which were pulled for discussion. Ayes: Sinks, Chang, Paul, Vaidhyanathan, and Wong. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the August 4 City Council minutes
Recommended Action: Approve the minutes
6. Subject: Accept Accounts Payable for the period ending July 10, 2015
Recommended Action: Adopt Resolution No. 15-068 accepting Accounts Payable for the period ending July 10, 2015
7. Subject: Accept Accounts Payable for the period ending July 17, 2015
Recommended Action: Adopt Resolution No. 15-069 accepting Accounts Payable for the period ending July 17, 2015
8. Subject: Accept Accounts Payable for the period ending July 24, 2015
Recommended Action: Adopt Resolution No. 15-070 accepting Accounts Payable for the period ending July 24, 2015
9. Subject: Accept Accounts Payable for the period ending July 31, 2015
Recommended Action: Adopt Resolution No. 15-071 accepting Accounts Payable for the period ending July 31, 2015
10. Subject: Accept Accounts Payable for the period ending August 7, 2015
Recommended Action: Adopt Resolution No. 15-072 accepting Accounts Payable for the period ending August 7, 2015
11. Subject: League of California Cities Resolution for Sustainable Funding for State and Local Infrastructure
Recommended Action: Adopt Resolution No. 15-073 urging the state to provide new sustainable funding for state and local transportation infrastructure
12. Subject: Agreement for Consultant Services for the Citywide Parks, Open Space and Recreation Master Plan
Recommended Action: Authorize the City Manager to negotiate and execute a consultant services agreement for preparation of a Citywide Parks, Open Space and

Recreation Master Plan for a fee not to exceed \$375,000 and authorize a contingency allowance subject to approval of the City Manager

Written communications for this item included an email to Council.

Cathy Helgersen talked about the County Park at the Stevens Creek Reservoir and how dirty it is because of pollution from Lehigh.

Rhoda Fry talked about concern over making sure the consultant selected in the RFP has all the pertinent information and that population density isn't shown in the park map documents.

Staff answered questions from Council.

Wong moved and Chang seconded to authorize the City Manager to negotiate and execute a consultant services agreement for preparation of a Citywide Parks, Open Space and Recreation Master Plan for a fee not to exceed \$375,000 and authorize a contingency allowance subject to approval of the City Manager. And include the final agreement in Items of Interest. The motion carried unanimously.

13. Subject: Civic Center Master Plan Implementation - Master Agreement for Design Consultant Services and Official Intent Resolution
Recommended Action: 1) Adopt Resolution No. 15-074 to: a. Authorize the City Manager to negotiate and execute the Master Agreement for design consultant services with the firm of Perkins+Will for implementation of the Civic Center Master Plan in substantially similar form as presented to Council; and b. Authorize the City Manager to negotiate and execute service orders under the terms of the master agreement for phases of work for which funds have been appropriated, but in no event, in an amount to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000); and c. Authorize the City Manager to negotiate and execute other agreements for professional services to implement the approved Civic Center Master Plan, to the extent that the funds are appropriated for such purposes, with the following terms and conditions: i. For professional services for: building systems engineering, site investigation and engineering, building project/construction management; interim move planning and facilitation, and financial advisory; ii. With a contract term not to exceed two years; and iii. With cumulative compensation not to exceed Two Million Dollars (\$2,000,000); and 2) Adopt Resolution No. 15-075 declaring its official intent to reimburse itself from the

proceeds of debt financing for certain expenditures related to the Civic Center Master Plan Implementation.

Written communications for this item included emails to Council.

The following individuals spoke on this item:

Peggy Griffin – speaking on behalf of Better Cupertino

Cathy Helgersen

Darrel Lum

Eric Schaefer – distributed written information

Liang-Fang Chao

Frank Geefay

Xiaowen Wang

Virginia Tambyn

Their comments included: renovate City Hall instead of building a new one; the City doesn't have the budget; online petition against spending the money signed by a few hundred people; allow the citizens to vote on the expenditure; conflict of interest with Perkins+Will; cost and population comparison with San Jose City Hall.

Staff answered questions from Council.

1) Wong moved and Sinks seconded to adopt resolution no. 15-074 to:

a. Authorize the City Manager to negotiate and execute the Master Agreement for design consultant services with the firm of Perkins+Will for implementation of the Civic Center Master Plan in substantially similar form as presented to Council; and

b. Authorize the City Manager to negotiate and execute service orders under the terms of the Master Agreement for phases of work for which funds have been appropriated, but in no event, in an amount to exceed five million five hundred thousand dollars (\$5,500,000); and

c. Authorize the City Manager to negotiate and execute other agreements for professional services to implement the approved Civic Center Master Plan, to the extent that the funds are appropriated for such purposes, with the following terms and conditions:

i. For professional services for: building systems engineering, site investigation and engineering, building project/construction management; interim move planning and facilitation, and financial advisory;

ii. With a contract term not to exceed two years; and

iii. With cumulative compensation not to exceed two million dollars (\$2,000,000). The motion failed with Chang, Paul, and Vaidhyanathan voting no and Sinks and Wong voting yes.

Chang said he voted no because the project was too expensive, there were more urgent issues needed in Cupertino, and the voters should be asked their opinion. Paul said he voted no because of concerns over financing. Vaidhyanathan asked for additional information on conceptual financing for the project.

Wong moved and Sinks seconded to continue the item to gather additional information regarding conceptual financing spending up to \$15,000. After further discussion, Wong rescinded his motion.

Three Council members added a future agenda item seeking additional information on conceptual financing. The City Manager will contract under his authority to develop this financial information and spend up to \$15,000.

2) There was no motion to adopt Resolution No. 15-075 declaring its official intent to reimburse itself from the proceeds of debt financing for certain expenditures related to the Civic Center Master Plan implementation. The resolution was not pertinent since the previous motion was denied.

14. Subject: Consider approval of the Library Commission's recommendation of Amanda Williamsen for the appointment of the new Cupertino Poet Laureate
Recommended Action: Adopt Resolution No. 15-076 approving the Library Commission recommendation and appointing the new Cupertino Poet Laureate

Library Commission Chair Ann Stevenson made a short presentation and introduced Amanda Williamsen as the new Cupertino Poet Laureate.

Amanda Williamsen talked about her background and read one of her poems.

Jennifer Brown speaking on behalf of the Poet Laureate Selection Committee appreciated the new Poet Laureate and also noted she would be giving a class in the near future at the Library regarding how to write poetry.

Paul moved and Wong seconded to adopt Resolution No. 15-076 approving the Library Commission recommendation and appointing the new Cupertino Poet Laureate. The motion carried unanimously.

15. Subject: Application for Alcoholic Beverage License for Starbucks #631, 20676 Homestead Road
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Starbucks #631, 20676 Homestead Road

Jennifer Griffin talked about concerns over how alcohol would be served at a coffee venue.

Staff answered questions from Council.

Wong moved and Sinks seconded to recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Starbucks #631, 20676 Homestead Road. The motion carried unanimously.

16. Subject: Application for Alcoholic Beverage License for Blast 825 Pizza, 10033 Saich Way
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Blast 825 Pizza, 10033 Saich Way
17. Subject: Application for Alcoholic Beverage License for Legends Pizza Company, 19732 Stevens Creek Boulevard
Recommended Action: Recommend approval of the Alcoholic Beverage License to the California Department of Alcoholic Beverage Control for Legends Pizza Company, 19732 Stevens Creek Boulevard

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS- None

ORDINANCES AND ACTION ITEMS

18. Subject: Contract with Perfect Mind Technology, Inc. for the replacement of the current Recreation and Community Services Enterprise Management System
Recommended Action: a. Authorize the City Manager or his designee to negotiate and execute a ten year agreement with PerfectMind Technology, Inc. for Recreation and

Community Services Enterprise Management System; and b. Authorize the appropriation of \$360,233 in FY 15-16

Director of Recreation and Community Services Carol Atwood reviewed the staff report.

Staff answered questions from Council.

Wong moved and Chang seconded to a. Authorize the City Manager or his designee to negotiate and execute a ten year agreement with PerfectMind Technology, Inc. for Recreation and Community Services Enterprise Management System; and b. Authorize the appropriation of \$360,233 in FY 15-16. And include the final agreement in Items of Interest. The motion carried unanimously.

Council recessed from 9:35 p.m. to 9:45 p.m.

19. Subject: Response to Call for Projects for Valley Transportation Plan 2040 (VTP 2040) - Originally heard on July 7 brought back for final approval.
Recommended Action: Staff recommends that Council take the following actions: 1) Rescind Resolution No. 15-061 adopted on July 7 and adopt Resolution No. 15-077 supporting the inclusion of a mass transit study, including a prioritization for initial implementation along the Highway 85 Corridor supporting the inclusion of a study of long-term mass transit solutions along the Highway 85 Corridor and the design and construction of near-term solutions; and 2) Provide direction on any additional transportation projects to submit for inclusion in the Santa Clara Valley Transportation Authority's (VTA) Valley Transportation Plan 2040

Director of Public Works Timm Borden reviewed the staff report.

Written communications for this item included written information from the Mountain View City Manager Dan Rich.

The following individuals spoke on this issue:

Jennifer Griffin

Frank Geefy

Omar Chatty – distributed written information

Rhoda Fry

Their comments included issues with Highways 17, 280, 85, 280/Foothill Expressway off-ramp; change “mass transit” to “mobility,” develop Stevens Creek Trail further; free mass transit in Cupertino; ask for free bicycles from companies as community benefit; misinformation regarding light rail; fourth lane on 85 Corridor needed ASAP solely for highway purposes; BART right answer down the road; expand vehicular bridge at Snyder Hammond House with parking for better access to Rancho San Antonio.

1) Wong moved and Vaidhyathan seconded, and the motion carried unanimously to Rescind Resolution No. 15-061 adopted on July 7 and adopt Resolution No. 15-077 supporting the inclusion of a mass transit study, including a prioritization for initial implementation along the Highway 85 corridor supporting the inclusion of a study of long-term mass transit solutions along the Highway 85 corridor.

2) Council provided the following direction on additional transportation projects to submit for inclusion in the Santa Clara Valley Transportation Authority’s (VTA) Valley Transportation Plan 2040: Add the following bullets to Attachment C Draft VTP 2040 project list:

- First, Future Mass Transit Corridor implementation for West Valley cities and North County cities
- Stevens Creek Blvd./Foothill Blvd./Homestead Rd./Wolfe Rd. bus shuttle service (after Bubb Rd./McClellan Rd./Rainbow Dr. bus shuttle service)
- Foothill Expressway/Lawrence Expressway improvements per the County Expressway Policy Advisory Committee (PAC) recommendations
- Reiterate support for the Caltrain Capacity Expansion in the Highway 85/Highway 280/Foothill Expressway interchange
- Add the Mass Transit Study, as proposed in the letter from mayors of West Valley and North County cities

19a. Subject: Appointment to State Route (SR) 85 Corridor Policy Advisory Board (PAB)
Recommended Action: Appoint one member and one alternate to the SR 85 Corridor PAB

Wong moved and Paul seconded to appoint Sinks as member and Chang as alternate to the State Route 85 Corridor Policy Advisory Board. The motion carried unanimously.

REPORTS BY COUNCIL AND STAFF

20. Subject: Report on Committee assignments and general comments

Recommended Action: Report on Committee assignments and general comments

City Manager David Brandt talked about the Kids and Fun event that he attended. He also mentioned that Gary Chao in Planning and Andrea Sanders in the City Clerk's office were leaving Cupertino for jobs elsewhere.

Council members highlighted the activities of their committees and various community events.

ADJOURNMENT

At 10:45 p.m., Mayor Sinks adjourned the meeting to a Special Meeting Closed Session on Friday, August 28 at 8:30 a.m. Note: The next regular Council meeting is September 1.

/s/ Grace Schmidt

Grace Schmidt, City Clerk

Staff reports, backup materials, and items distributed at the City Council meeting are available for review at the City Clerk's Office, 777-3223, and also on the Internet at www.cupertino.org. Click on Agendas & Minutes, then click on the appropriate Packet.

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