



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 20, 2018**

REGULAR CITY COUNCIL MEETING

ROLL CALL

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

Present: Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyathan. Absent: Vice Mayor Rod Sinks.

Council went into closed session and reconvened in open session at 6:48 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

CLOSED SESSION

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

Mayor Paul noted that he recused himself from participating in closed session and announced that Council directed staff to take further action.

RECESS

PLEDGE OF ALLEGIANCE

At 6:48 p.m. Mayor Darcy Paul reconvened the Regular City Council meeting in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyathan. Absent: Vice Mayor Rod Sinks.

CEREMONIAL MATTERS AND PRESENTATIONS

2. Subject: Emergency Management State of Readiness Report
Recommended Action: Accept presentation on emergency management state of readiness.

Written communications for this item included a presentation.

Director of Recreation and Community Services Jeff Milkes introduced Emergency Services Coordinator Clare Francavilla who made a presentation on emergency management state of readiness.

Staff answered questions from Council.

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Council accepted the presentation on emergency management state of readiness.

POSTPONEMENTS - None**ORAL COMMUNICATIONS**

Phyllis Dickstein (Cupertino resident) talked about zoning and Vallco polls.

Taghi Saadati (Cupertino resident) talked about secondary units and garages.

Ana Gonzales talked about the recent national “Walk Out” and gun control legislation.

Tara Sreekrishnan (Cupertino resident) talked about the recent national “Walk Out” and gun control legislation.

April Nicholson talked about the recent national “Walk Out” and gun control legislation.

Jennifer Griffin talked about expanding Highway 17.

Kitty Moore (Cupertino resident) talked about the Vallco Shopping District 2040 Plan.

Lisa Warren (Cupertino resident) talked about the Vallco Environmental Impact Review (EIR) study and Specific Plan.

CONSENT CALENDAR

Scharf moved and Chang seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 9 and 10 which were pulled for discussion. Ayes: Paul, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: Sinks.

3. Subject: Approve the February 28 Joint City Council / Parks and Recreation Commission minutes
Recommended Action: Approve the February 28 Joint City Council / Parks and Recreation Commission minutes
4. Subject: Approve the March 6 City Council minutes
Recommended Action: Approve the March 6 City Council minutes
5. Subject: Accept Accounts Payable for the period ending February 9, 2018
Recommended Action: Adopt Resolution No. 18-021 accepting Accounts Payable for the period ending February 9, 2018
6. Subject: Accept Accounts Payable for the period ending February 16, 2018
Recommended Action: Adopt Resolution No. 18-022 accepting Accounts Payable for the period ending February 16, 2018
7. Subject: Comprehensive Annual Financial Reports for Fiscal Year 2016-17
Recommended Action: Accept the reports

Written communications for this item included an amended Attachment B.

8. Subject: City Council confirmation of the appointment of the Deputy Treasurer by the Treasurer
Recommended Action: Adopt Resolution No. 18-023 confirming the appointment of the Deputy Treasurer by the Treasurer

9. Subject: Master Agreement between the City of Cupertino and HMH Engineering, Inc., (HMH) to provide civil engineering services on various Capital Improvement Projects (CIP).

Recommended Action: Approve a Master Agreement between the City of Cupertino and HMH in the amount not to exceed \$1,000,000 for a term of two years with the option to extend for additional time in accordance with contract terms.

Scharf moved and Chang seconded to approve a Master Agreement between the City of Cupertino and HMH in the amount not to exceed \$1,000,000 for a term of two years with the option to extend for additional time in accordance with contract terms. The motion carried unanimously with Sinks absent.

10. Subject: SB 100: California Renewables Portfolio Standard Program (De León)

Recommended Action: Support SB 100 (De León) and authorize the Mayor to send letters of support to state legislative leaders along with our state delegation.

Paul moved and Vaidhyanathan seconded to support SB 100 (De León) and authorize the Mayor to send letters of support to state legislative leaders along with our state delegation with direction to staff to fix non-substantive typographical errors. The motion carried unanimously with Sinks absent.

SECOND READING OF ORDINANCES

11. Subject: Social Host Responsibility Ordinance

Recommended Action: 1. Conduct second reading of Ordinance No. 18-2172: "An Ordinance of the City Council of the City of Cupertino adding Chapter 10.05 "Social Host Responsibility" to the Cupertino Municipal Code, Article 10 "Public Peace and Morals" to deter underage drinking and drug use during events/gatherings"; 2. Enact Ordinance No. 18-2172. Note: A first reading was conducted on March 6, 2018 with no substantive changes requested by Council.

City Clerk Grace Schmidt read the title of the ordinance.

Vaidhyanathan moved and Chang seconded to read Ordinance No. 18-2172 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Paul, Chang, and Vaidhyanathan. Noes: Scharf. Abstain: None. Absent: Sinks.

Vaidhyanathan moved and Chang seconded to enact Ordinance No. 18-2172. Ayes: Paul, Chang, and Vaidhyanathan. Noes: Scharf. Abstain: None. Absent: Sinks.

PUBLIC HEARINGS

12. Subject: Amendment of Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units

Recommended Action: Adopt Resolution No. 18-024, approving amendments to the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units

Written communications for this item included a presentation.

Senior Planner Kerri Heusler reviewed the staff report.

Staff and representatives from Hello Housing answered questions from Council.

Mayor Paul opened the public hearing and seeing no speakers, closed the public hearing.

Chang moved and Vaidhyanathan seconded to adopt Resolution No. 18-024, approving amendments to the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units with the following additions:

- Section 4.6 Occupancy Conditions
The City or its agent has the right to review occupancy on a case-by-case basis.
- Section 4.10 Annual Monitoring
The City or its agent has the right to review occupancy on a case-by-case basis.
- Section 7.0 Appeal Process
The appeal will be heard by a qualified third-party hearing officer within thirty (30) days from the date of receipt of the written appeal.

The motion carried unanimously with Sinks absent.

ORDINANCES AND ACTION ITEMS

13. Subject: Consideration of the City Council summer meeting schedule and cancellation of meeting(s)

Recommended Action: Consider the City Council summer meeting schedule and cancel meeting(s) or provide direction to staff

Mayor Paul opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Paul closed public comment.

Scharf moved and Vaidhyanathan seconded to cancel the July 17 and August 7 City Council meetings. The motion carried unanimously with Sinks absent.

REPORTS BY COUNCIL AND STAFF

14. Subject: Report on Committee assignments and general comments

Recommended Action: Report on Committee assignments and general comments

Two Councilmembers concurred to direct staff to add an item for the discussion of gun control to a future Council agenda.

Councilmembers highlighted the activities of their committees and various community events.

ADJOURNMENT

At 9:15 p.m., Mayor Paul adjourned the meeting.

/s/Grace Schmidt
Grace Schmidt, City Clerk