



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, May 1, 2018**

**SPECIAL CITY COUNCIL MEETING**

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

Present: Mayor Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyathan. Absent: None.

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 for the Regular Meeting.

**CLOSED SESSION**

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Manager

Mayor Paul announced that the item was heard and direction was given.

2. Subject: Conference with Legal Counsel-Existing Litigation pursuant to subdivision (a) of Government Code Section 54956.9. Name of case: James J. Wilkerson v City of Cupertino, Santa Clara County Superior Court Case No. 17CV307439

Mayor Paul announced that the item was heard and direction was given.

**ADJOURNMENT**

**REGULAR CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Darcy Paul called the Regular 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 Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyanathan. Absent: None.

## CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation to Cupertino students who qualified to play in the All-State Orchestra  
Recommended Action: Present Proclamation to Cupertino students who qualified to play in the All-State Orchestra

Mayor Paul presented Proclamations to Cupertino students who qualified to play in the All-State Orchestra.

2. Subject: Proclamation declaring May 6-12 as Municipal Clerk's Week  
Recommended Action: Present Proclamation declaring May 6-12 as Municipal Clerk's Week

Mayor Paul presented a Proclamation to City Clerk Grace Schmidt declaring May 6-12 as Municipal Clerk's Week.

## STUDY SESSION

3. Subject: City of Cupertino Below Market Rate (BMR) Housing Program Study Session  
Recommended Action: Hold a Study Session to receive the presentation on the City's Below Market Rate Housing Program

Written communications for this item included emails to Council and a presentation.

Senior Housing Planner Kerri Heusler introduced Consultant Eric Phillips from Goldfarb Lipman Attorneys who gave a presentation on the City's Below Market Rate Housing Program.

Consultant and staff answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Eric Mckinlay (Cupertino resident) on behalf of Housing Choices Cupertino Task Force  
Micaela Connery on behalf of The Kelsey  
Joy Kao (Cupertino resident) on behalf of Housing Choices Cupertino Task Force  
Neal Folsom (San Jose resident) on behalf of Housing Choices Cupertino Task Force

Marcia Elmer Mattheakis (Cupertino resident) on behalf of Housing Choices Cupertino Task Force

Sheila Vahdat (Cupertino resident) on behalf of Housing Choices Cupertino Task Force

Janet Van Zoeren (Cupertino resident) on behalf of Housing Choices Cupertino Task Force

Jeff Darling (Santa Cruz resident) on behalf of San Andreas Regional Center

David Grady (San Mateo resident) on behalf of Housing Choices Cupertino Task Force

Ganesh Sure (Cupertino resident) on behalf of Housing Choices Cupertino Task Force

Sean Strebel (Cupertino resident) on behalf of Connie Cunningham

David Meyer on behalf of SV@Home

Richard Schuster (Cupertino resident)

Jan Stokley on behalf of Housing Choices Cupertino Task Force

Jennifer Griffin

Bob Stromberg (San Jose resident) on behalf of Destination: Home

Kitty Moore (Cupertino resident)

Scott Lane

Council gave the following direction: Conduct Economic Feasibility study to review our Housing Mitigation Manual, specifically addressing strategies to address RHNA requirements as well as housing for extremely-low income, the homeless and disabled. Study the potential to increase inclusionary housing requirements to 20% -25%. Also explore inclusionary housing policy to include extremely-low income/disabled in projects. Also to include median- and moderate-income units in rental projects. Include other Cities' inclusionary housing programs as a comparison.

Council recessed from 9:55 p.m. to 10:05 p.m.

**POSTPONEMENTS** – None

**ORAL COMMUNICATIONS**

Jennifer Griffin talked about San Jose Urban Villages.

Ignatius Ding (Cupertino resident) talked about The Brown Act (distributed written comments).

Joan Chin (Cupertino resident) talked about SB35 and the Vallco Mall project.

Jennifer Shearin (Cupertino resident) on behalf of the Cupertino Bicycle Pedestrian Commission talked about the Regnart Trail.

Scott Lane talked about an educational bus trip to Sacramento on May 15 sponsored by Santa

Clara County.

Rhoda Fry (Cupertino resident) talked about washing the large cement trucks coming down from Lehigh.

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

Jean Bedord (Cupertino resident) talked about the drop-off ballot box outside the Cupertino Library.

David Fung (Cupertino resident) talked about the drop-off ballot box outside the Cupertino Library.

## CONSENT CALENDAR

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

4. Subject: Approve the April 17 City Council minutes  
Recommended Action: Approve the April 17 City Council minutes
5. Subject: Master Agreement between the City of Cupertino and Bellecci & Associates to provide civil engineering services on various Bicycle Transportation Improvement Projects.  
Recommended Action: Authorize the City Manager to execute a Master Agreement between the City of Cupertino and Bellecci & Associates in the amount not to exceed \$600,000 for a term of two years with the option to extend for additional time in accordance with contract terms.
6. Subject: Approve renewal and collection of existing storm drain fees at no increase in rates for FY 2018-2019  
Recommended Action: Consider all objections or protests and adopt Resolution No. 18-040 for approval and renewal of the collection of existing storm drain fees at no increase in rates for fiscal year 2018-2019
7. Subject: Approval of the Santa Clara County Countywide AB939 Implementation Fee Agreement and the Santa Clara County Countywide Household Hazardous Waste Collection Program for Fiscal Years 2019 to 2021  
Recommended Action: a. Adopt Resolution No. 18-041, a Resolution of the City Council of the City of Cupertino authorizing execution of the Agreement with Santa Clara County for

Countywide AB 939 Implementation Fee for Fiscal Years 2019 to 2021, including the delegation of authority to the City Manager, or designee, to execute amendments and future agreements as long as the fee remains the same. b. Adopt Resolution No. 18-042, a Resolution of the City Council of the City of Cupertino authorizing execution of the Agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for Fiscal Years 2019 to 2021, including the delegation of authority to the City Manager, or designee, to execute amendments and future agreements as long as the fee remains the same.

## **SECOND READING OF ORDINANCES - None**

## **PUBLIC HEARINGS**

8. Subject: Vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road  
Recommended Action: Conduct a public hearing and adopt Resolution No. 18-043 to vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road

Director of Public Works Timm Borden reviewed the staff report.

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

Sinks moved and Chang seconded to adopt Resolution No. 18-043 to vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road. The motion carried unanimously.

## **ORDINANCES AND ACTION ITEMS**

9. Subject: Regional Measure 3  
Recommended Action: Discuss Regional Measure 3 and consider taking a position on the measure.

Written communications for this item included a letter to Council.

City Manager David Brandt reviewed the staff report.

Mayor Paul opened public comment and the following individuals spoke:

David Schonbrunn speaking on behalf of Transdef  
Rhoda Fry (Cupertino resident)

Joan Chin (Cupertino resident)  
Jennifer Griffin  
Scott Lane

Mayor Paul closed public comment.

Chang made a motion and then withdrew his motion.

Sinks made a motion and then withdrew his motion.

Chang moved and Scharf seconded to oppose Regional Measure 3 (RM3). The motion carried unanimously with Vaidhyanathan and Paul abstaining.

Paul moved and Chang seconded to authorize the Mayor to draft and sign a letter articulating Council's concerns about RM3 and send the letter within a week to the other cities in the County, and entities such as Valley Transportation Authority, Senator Jim Beall, newspapers, etc. The motion carried unanimously.

Council recessed from 11:58 p.m. to 12:10 a.m. on Wednesday, May 2.

## **REPORTS BY COUNCIL AND STAFF**

10. Subject: Report on Committee assignments and general comments  
Recommended Action: Report on Committee assignments and general comments

City Manager David Brandt announced his retirement effective July 6.

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

## **ADJOURNMENT**

At 12:51 a.m. on Wednesday, May 2, Mayor Paul adjourned the meeting.

/s/Grace Schmidt  
Grace Schmidt, City Clerk