



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 31, 2020**

SPECIAL CITY COUNCIL MEETING

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

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.

CLOSED SESSION

Council went into closed session at 5:30 p.m. and reconvened in open session at 6:45 p.m. This was a teleconference meeting with no physical location.

CLOSED SESSION

Before Council went into closed session, Mayor Scharf opened public comment and, seeing no speakers, closed public comment.

1. Subject: Conference with Legal Counsel - Anticipated Litigation; (Government Code Section 54956.9(d)): Possible Initiation of Litigation (Government Code Section 54956.9(d)(4)) (1 matter).

In open session, Mayor Scharf announced that Council gave approval to initiate litigation by joining a coalition of cities and counties. Once the action is formally commenced by the coalition, the filings, defendants, and other particulars will be disclosed to any person upon request as provided in Government Code section 54957.1.

2. Subject: Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9: (1 Claim) (Clean Cut Landscape Incorporated (CCLI)).

In open session, Mayor Scharf announced that Council gave direction to the City Attorney's Office. No reportable action was taken.

RECESS

OPEN SESSION

At 6:45 p.m. Mayor Steven Scharf reconvened the Special 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

3. Subject: Staff Presentation on Rosenberg's Rules of Order
Recommended Action: Receive Staff Presentation on Rosenberg's Rules of Order

Written communications for this item included a presentation.

City Attorney Heather Minner gave a presentation.

Councilmembers asked questions and made comments.

Council received the staff presentation on Rosenberg's Rules of Order

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Connie Cunningham (representing herself), talked about financial impacts due to COVID-19 and encouraged making donations to non-profits such as West Valley Community Services (WVCS). (Submitted written comments).

City Clerk Kirsten Squarcia read an email on behalf of Joseph Fruen, recommending publicizing through City channels the programs offered through WVCS, other charitable organizations, or government agencies.

Jeonghee, encouraged the City's continuing response efforts to ensure public health and safety due to COVID-19.

City Clerk Kirsten Squarcia read an email on behalf of Jj, regarding litigation with the City concerning her home and financial burdens due to the situation.

City Clerk Kirsten Squarcia read an email on behalf of Viji, expressing concern about the City's budget and financial impacts due to COVID-19 and consideration of nonessential work.

Willey moved and Scharf seconded to reorder the agenda to hear Staff Comments after Oral Communications. The motion carried unanimously.

City Manager Deborah Feng provided an update regarding COVID-19 response efforts.

Mayor Scharf opened public comment and the following people spoke.

Connie Cunningham (representing herself), thanked City staff for their efforts.

Mayor Scharf closed public comment.

REPORTS BY COUNCIL AND STAFF (10 minutes)

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

Councilmembers highlighted the activities of their various committees.

CONSENT CALENDAR

Paul moved and Sinks seconded to approve the items on the Consent Calendar except for items numbers 5 and 9 which were pulled for discussion. Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the February 24 City Council minutes_
Recommended Action: Approve the February 24 City Council minutes

Scharf moved and Chao seconded to approve the February 24 City Council minutes. The motion carried unanimously.

6. Subject: Approve the March 3 City Council minutes
Recommended Action: Approve the March 3 City Council minutes
7. Subject: Set application deadline and interview dates for three terms expiring on the Teen Commission.
Recommended Action: Set application deadline and interview dates for three terms expiring on the Teen Commission and approve:
 - 1.) Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 8; and
 - 2.) Interviews held beginning at 5:30 p.m. on Tuesday, May 26 and Wednesday, May 27 (as needed)
8. Subject: Application for Alcohol Beverage License for P&S Cupertino, Inc (dba Vons Chicken Cupertino), 10520 S. De Anza Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for P&S Cupertino, Inc (dba Vons Chicken Cupertino), 10520 S. De Anza Boulevard
9. Subject: Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project, Project No. 2019-103 by \$150,000. No additional budget allocation is requested.
Recommended Action: Increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project by one hundred fifty thousand dollars (\$150,000) for a revised contract amount to G. Bortolotto & Co. not to exceed \$2,992,568.

Scharf moved and Chao seconded to increase the authorized construction contingency for the 2019 Pavement Maintenance Phase 1 Project, Project No. 2019-103 by \$150,000. The motion carried unanimously.
10. Subject: Resolution of support for McClellan Rd Separated Bikeway project for Vehicle Emissions Reductions Based at Schools (VERBS) grant application.
Recommended Action: Adopt Resolution No. 20-027 approving a request for support to complete VERBS grant application commitments consistent with the requirements of the application.

11. Subject: Resolution Designating Agents to Apply for Federal and State Disaster Financial Assistance
Recommended Action: Adopt Resolution No. 20-031 Designating Agents to Apply for Federal and State Disaster Financial Assistance

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

ORDINANCES AND ACTION ITEMS

12. Subject: Consider participation in and funding for the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on Aircraft Noise in the South Bay.
Recommended Action: Provide direction to staff to:
1. Continue participation in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on aircraft noise in the South Bay; confirm or change existing Council representatives; or
 2. Adopt Resolution No. 20-029 rescinding Resolution No. 18-083 and withdrawing from the Santa Clara/Santa Cruz Counties Airport/Community Roundtable.

Written communications for this item included a presentation.

Cities Association of Santa Clara County Executive Director Andi Jordon gave a presentation.

Councilmembers asked questions and made comments.

Mayor Scharf left the meeting.

Vice Mayor Paul opened public comment and the following people spoke.

Lisa Warren, talked about financial impacts for participating cities if a contributing city withdrew.

Mayor Scharf returned to the meeting.

Mayor Scharf closed public comment.

Paul moved and Scharf seconded to continue participation in the Santa Clara/Santa Cruz Counties Airport/Community Roundtable on aircraft noise in the South Bay; confirmed the existing Council representatives; and added the amendment that if the item comes back to Council, it should include a balance sheet for dollars spent and a summary of consultant deliverables.

Chao made a friendly amendment to include more meaningful community engagement such as extending the public comment period from one minute and looking into forming a subcommittee (Paul accepted the friendly amendment).

The main motion carried unanimously as amended.

Council recessed from 8:35 p.m. to 8:40 p.m.

13. Subject: FY 2020-21 City Work Program
Recommended Action: Adopt FY 2020-21 City Work Program

Written communications for this item included a presentation.

City Manager Deborah Feng gave a presentation.

Councilmembers made comments and asked questions.

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

Scharf moved and Sinks seconded to adopt the FY 2020-21 City Work Program with amendment that the City Manager will come back with a refactored budget due to COVID-19 economic impacts and for the Council to consider a prioritization of items. The motion carried unanimously.

Chao made a friendly amendment and Willey seconded to include the following in the Housing strategy.

- RHNA Study Session
 - include jobs/housing ratio for housing study
- Housing Strategy
 - change "Housing Strategy" to "Affordable Housing Strategy"
 - identify funding sources for social services and affordable housing
 - modify BMR menu to require certain percentages for Extremely Low Income (ELI) and Moderate-income housing
 - clarify density bonus ordinance regarding implementation

Chao withdrew her friendly amendment after further discussion and consensus that the items will be considered when the revised work program comes back to Council.

Chao made a second friendly amendment to include the funding sources for social services in the project objective.

Chao withdrew her second friendly amendment after further discussion and consensus that the item will be considered when the revised work program comes back to Council.

The main motion carried unanimously with the amendment that the City Manager will come back with a refactored budget due to COVID-19 economic impacts and for the Council to consider a prioritization of items.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

After Oral Communications, City Manager Feng gave an update on COVID-19 response efforts.

Council added an ongoing agenda item after Oral Communications for a City Manager report on COVID-19 response efforts (Chao/Scharf).

ADJOURNMENT

At 9:46 p.m., Mayor Scharf adjourned the meeting.



Kirsten Squarcia, City Clerk