



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, August 19, 2014**

SPECIAL CITY COUNCIL MEETING

ROLL CALL

At 5:05 p.m. Mayor Gilbert Wong called the Special City Council meeting to order in Cupertino City Hall Conference Room A, 10300 Torre Avenue.

Present: Mayor Gilbert Wong, Vice Mayor Rod Sinks, and Council members Barry Chang, Orrin Mahoney, and Mark Santoro. Absent: None.

1. Subject: Housing Commission (Financial Representative) interviews
Recommended Action: Conduct interviews and make appointment

The City Council interviewed three applicants and appointed Shirley Chu to a full term ending January 2018.

Council recessed from 5:40 p.m. to 6:00 p.m.

CLOSED SESSION

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

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

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

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL

At 6:45 p.m. Mayor Gilbert Wong called the Regular City Council meeting to order.

Present: Mayor Gilbert Wong, Vice Mayor Rod Sinks, and Council members Barry Chang, Orrin Mahoney, and Mark Santoro. Absent: None.

CEREMONIAL MATTERS AND PRESENTATIONS

3. Subject: Proclamation to the Cupertino Library for its 10th anniversary
Recommended Action: Present the proclamation

Mayor Wong presented the proclamation to Cupertino Community Librarian Gayathri Kanth, Supervising Librarian of Children's Services Clare Varesio, Supervising Librarian of Adult and Teen Services Roslyn Donald, and Library Foundation members.

4. Subject: Presentation by AT&T regarding infrastructure
Recommended Action: Receive presentation

Marc Blakeman, Regional Vice President of External Affairs for AT&T California, said that AT&T plans to expand their ultrafast Gigapower Network to the City of Cupertino. He explained that this would be an all fiber network to provide services featuring symmetrical upload and download broadband speeds of up to one gigabyte per second and AT&T's most advanced TV services for consumers and businesses. He noted that Cupertino would be the first city in California to receive the new AT&T Gigapower Network.

Council received the presentation.

5. Subject: Update from the Foothill-De Anza College District
Recommended Action: Receive the update

Written communications for this item included a PowerPoint presentation.

Bruce Swenson, Board President, and Pearl Cheng, Board Vice President gave an update on the Foothill-De Anza College District via a PowerPoint presentation.

Council received the update.

6. Subject: Update from the Fremont Union High School District
Recommended Action: Receive the update

Written communications for this item included a PowerPoint presentation.

Fremont Union High School District Superintendent Polly Bove gave an update on the District via a PowerPoint presentation.

POSTPONEMENTS

Wong moved and Santoro seconded to postpone item number 16 to September 2. The motion carried unanimously.

ORAL COMMUNICATIONS

Tim McRae, Energy Director for the Silicon Valley Leadership Group talked about the Tenth Annual Applied Materials Turkey Trot to be held on Thanksgiving Day, November 27. He noted that this would raise money for Healthier Kids Foundation Santa Clara County, Housing Trust Silicon Valley, Second Harvest Food Bank of Santa Clara, Santa Mateo, and Santa Cruz Counties, and the Health Trust. He said they expect more than 30,000 participants expected and hope to raise and donate over one million dollars. There will be a 5K Run/Walk, 10K Run and Kids Fun Run for ages 2-7. Register at www.svturkeytrot.com.

Evelyn O'Marah representing the Turkey Trot Steering noted that 432 Cupertino residents participated last year. She explained that each city receives points for the Mayor, Vice Mayor, Council members, City Manager and Planning Commissioners who register for the event. She said that the deadline for this Mayors Cup Challenge is November 24 at 3:00 p.m. and the winners are based on four categories of population.

Barbara Rogers invited everyone to the September 30 Forum on Aging in Place Gracefully from 9:30 a.m. to 5:00 p.m. The forum will be based on how ideas from last year's forum could be implemented. She noted that the company IDO will help residents in an interactive process to do individual planning and development of a facility where a senior might choose to live in Cupertino.

Shailee Shamar wasn't able to speak in person and Mayor Wong read her statement into the record regarding the Annual Walk-One-Week (WOW) program that the teens in the community help to put on.

CONSENT CALENDAR

Sinks moved and Mahoney seconded to approve the items on the Consent Calendar as presented with the exception of item number 16 which was postponed. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

7. Subject: Approve the July 7 City Council minutes
Recommended Action: Approve the July 7 City Council minutes
8. Subject: Approve the July 15 City Council minutes
Recommended Action: Approve the minutes
9. Subject: Accept Accounts Payable for period ending June 27, 2014
Recommended Action: Adopt Resolution No. 14-184 accepting Accounts Payable for the period ending June 27, 2014
10. Subject: Accept Accounts Payable for period ending July 3, 2014
Recommended Action: Adopt Resolution No. 14-185 accepting Accounts Payable for period ending July 3, 2014
11. Subject: Accept Accounts Payable for period ending July 11, 2014
Recommended Action: Adopt Resolution No. 14-186 accepting Accounts Payable for the period ending July 11, 2014
12. Subject: Accept Accounts Payable for period ending July 18, 2014
Recommended Action: Adopt Resolution No.14-187 accepting Accounts Payable for the period ending July 18, 2014
13. Subject: Accept Accounts Payable for period ending July 25, 2014
Recommended Action: Adopt Resolution No. 14-188 accepting Accounts Payable for the period ending July 25, 2014
14. Subject: Accept Accounts Payable for period ending August 1, 2014
Recommended Action: Adopt Resolution No. 14-189 accepting Accounts Payable for the period ending August 1, 2014
15. Subject: Accept Accounts Payable for period ending August 8, 2014
Recommended Action: Adopt Resolution No. 14-190 accepting Accounts Payable for the period ending August 8, 2014
16. Subject: Authorize new position categories in the salary schedule for the Cupertino Employee Association's Compensation Program, reclassify four

incumbents to new and existing classifications, and other miscellaneous revisions to salary classifications

Recommended Action: Amend the Cupertino Employee Association's Compensation Program salary schedule and adopt Resolution No. 14-191 establishing new classifications

This item was postponed to September 2.

17. Subject: Approve First Amendment to lease of Rolling Hills 4-H Club at McClellan Ranch Preserve with the Regents of the University and City of Cupertino, California extending lease time

Recommended Action: Authorize the City Manager to amend the lease agreement with the Regents of the University of California and City of Cupertino for the Rolling Hills 4-H Club at McClellan Ranch Preserve for a five-year period ending August 31, 2019

Written communications for this item included a list of 4H services provided to the community.

18. Subject: Alcoholic Beverage License Application for Coopervino, 19700 Vallco Parkway

Recommended Action: Recommend approval of the Alcoholic Beverage License Application for Coopervino, 19700 Vallco Parkway

19. Subject: 2014 Pavement Maintenance Project Phase 2, City Project No. 2014-04

Recommended Action: Authorize the City Manager to award a contract to O'Grady Paving, Inc., in the amount of \$2,288,577.20; and approve a construction contingency of \$261,422.80 for a total of \$2,550,000

20. Subject: City Project, Reconstruction of Curbs, Gutters, and Sidewalks, Project No. 2013-02

Recommended Action: Accept Project No. 2013-02

21. Subject: Amendment of an agreement between the City of Cupertino and Pavement Engineering, Inc. for consultant services for testing and inspection services on various street improvement projects

Recommended Action: Approve an Amendment to an agreement between the City of Cupertino and Pavement Engineering, Inc. (PEI) in the amount not to exceed \$637,500 from the date of execution through June 30, 2015, and authorize the Director of Public Works to execute all necessary documents to carry out all phases of the Pavement Maintenance Project

22. Subject: City Project, 2013 Reconstruction of Curbs, Gutters, and Sidewalks Phase 2, Project No. 2013-06
Recommended Action: Accept Project No. 2013-06

SECOND READING OF ORDINANCES

23. Subject: Amendment to Section 11.08.250 of the Cupertino Municipal Code Relating to Bicycle Lanes--Designated; Torre Avenue between Stevens Creek Boulevard and Rodrigues Avenue
Recommended Action: Conduct the second reading and enact Ordinance No. 14-2120, "An Ordinance of the City Council of the City of Cupertino amending Section 11.08.250 of the Cupertino Municipal Code relating to Bicycle Lanes - Designated"

Chang moved and Mahoney seconded to read Ordinance No. 14-2120 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

Chang moved and Mahoney seconded to enact Ordinance No. 14-2120. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

24. Subject: Parks and Recreation Commission Work Plan for FY 2014-15
Recommended Action: Approve the Parks and Recreation Commission Work Plan for FY 2014-15

Written communications for this item included an amended staff report and a PowerPoint presentation.

Director of Parks and Recreation Carol Atwood introduced Parks and Recreation Commission Chair Darcy Paul who gave a presentation on the Commission Work Plan for FY 2014-15 via a PowerPoint presentation.

Wong moved and Mahoney seconded to approve the Parks and Recreation Commission Work Plan for FY 2014-15 with the addition to explore partnerships

with the Fine Arts Commission, De Anza College, Cupertino Union School District and Fremont Union High School District to provide a performing arts program to the City . The motion carried unanimously.

25. Subject: Amendments to Chapters 10.90 and 10.56, Title 10, of the Cupertino Municipal Code to regulate outdoor smoking

Recommended Action: Conduct the first reading of Ordinance No. 14-2121, "An Ordinance of the City Council of the City of Cupertino amending Sections 10.90.010 and 10.90.020 of Chapter 10.90 and adding Section 10.90.045 of Chapter 10.90 and amending Section 10.56.020 of Chapter 10.56 of Title 10 of the Cupertino Municipal Code to regulate outdoor smoking Description: Application No(s): CP-2014-02; Applicant(s): City of Cupertino; Location: citywide

Written communications for this item included a supplemental staff report, redline ordinance, draft ordinance, and a PowerPoint presentation.

Director of Community Development Aarti Shrivastava reviewed the staff report via a PowerPoint presentation.

Kevin McClelland on behalf of the Cupertino Chamber of Commerce said the Chamber supports the ordinance.

Mahoney moved and Chang seconded to read Ordinance No. 14-2121 by title only and that the City Clerk's reading would constitute the first reading thereof with the amendment to simplify the signage posting requirement to include the universal "no smoking" symbol or wording. Council also provided direction to study further smoking prohibitions that have been adopted in other cities for work sites, near entryways of buildings, service areas and outdoor areas in multi-family buildings. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

Council recessed from 9:05 p.m. to 9:13 p.m.

REPORTS BY COUNCIL AND STAFF

26. Subject: Civic Center Master Plan update

Recommended Action: Accept Civic Center Master Plan update report

Capital Improvement Program Manager Katy Jensen noted that no action would be required from Council as this was just an update. A short video from the Community Workshop was shown.

Shawn Spano from Public Dialogue Consortium gave an update on the Civic Center Master Plan via a PowerPoint presentation. Karen Alschuler, Principal Director of Planning/Urban Design of Perkins + Will continued with the PowerPoint presentation.

Council members' comments included possibility of putting parking under current City Hall footprint; clarify and research parking further for long-term; what does city staff think real needs are now and in the future; cost analysis of current buildings, retrofits, cost of an Emergency Operations Center, what would be the plan for a bigger building, no interest in relocating Sheriff sub-station to Civic Center, why a Teen Center and City Hall.

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

ADJOURNMENT

At 10:28 p.m., Mayor Wong adjourned the meeting to Thursday, Aug 21 at 5:00 p.m. for a closed session regarding the City Attorney evaluation. The next regular meeting is Tuesday, September 2.

/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.

Most Council meetings are shown live on Comcast Channel 26 and AT&T U-verse Channel 99 and are available at your convenience at www.cupertino.org. Click on Agendas & Minutes, and then click Archived Webcast. Videotapes are available at the Cupertino Library, or may be purchased from the Cupertino City Channel, 777-2364.