



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 18, 2022

SPECIAL MEETING

At 5:00 p.m., Mayor Paul called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao (5:04 p.m.), and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey.

ORDINANCES AND ACTION ITEMS

1. Subject: Amendment to Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the California Buildings Standards Code and Fire Code as mandated by the State of California and making local exceptions to those standards as warranted.
Recommended Action:
 1. Conduct the first reading of Ordinance No. 22-2245 “An Ordinance of the City Council of the City of Cupertino Amending Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.28, 16.32, 16.40, 16.42, 16.54, 16.58, 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Fire, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and Property Maintenance Code with certain exceptions, deletions, modifications, additions and amendments”;
 2. Adopt Resolution No. 22-123 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.
 3. Find the project is exempt from CEQA pursuant to 14 California Code of Regulations Sections 15061(b)(3) and 15308.

Written communications for this item included a staff presentation.

Assistant Director of Community Development/Building Official Albert Salvador gave a presentation.

Mayor Paul opened the public comment period and, seeing no one, closed the public comment period.

Councilmembers asked questions and made comments.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2245: "An Ordinance of the City Council of the City of Cupertino Amending Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.28, 16.32, 16.40, 16.42, 16.54, 16.58, 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Fire, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and Property Maintenance Code with certain exceptions, deletions, modifications, additions and amendments"

Chao moved and Moore seconded to:

1. Read Ordinance No. 22-2245 by title only, and that the City Clerk's reading constitutes the first reading thereof; and
2. Adopt Resolution No. 22-123 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code; and
3. Find the project is exempt from CEQA pursuant to 14 California Code of Regulations Sections 15061(b)(3) and 15308.

Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

2. Subject: Consider program and funding revisions for the Fiscal Year (FY) 2021-22 Capital Improvement Programs (CIP) project, City Hall Annex (10455 Torre Avenue Improvements.)
Recommended Action: Receive an update and direct staff on the FY 2021-22 CIP project City Hall Annex (10455 Torre Avenue Improvements) to:
 - 1) Proceed with programming, design, and construction of the building as the City's Permit Center and Emergency Operations Center (EOC.)
 - 2) Authorize the Director of Public Works to execute any necessary services or change orders, up to an amended contingency amount of \$166,722 for a total contract amount of \$610,202 on the design professional services agreement between the City and DIALOG Design LP (DIALOG) for the City Hall Annex Project (Project 2022-06) for the abovementioned scope.
 - 3) Authorize the City Manager to (a) execute a Design Professional Services Agreement between the City and Cumming Management Group, Inc. (Cumming) to provide

construction management and related services for the City Hall Annex Project (Project 2022-06) in the amount of \$359,805; and (b) authorize the Director of Public Works to execute any necessary services or change orders, up to a contingency amount of \$71,961 (20% of base services,) for a total appropriation of \$431,766.

Presenter: Susan Michael, Capital Improvement Programs Manager

Written communications for this item included a staff presentation.

Capital Improvement Programs Manager Susan Michael gave a presentation.

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

Jennifer Griffin supported relocating the Emergency Operations Center (EOC) to the site, expanding the upstairs area, and purchasing adjacent buildings in the future.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Willey seconded to direct staff on the FY 2021-22 CIP project City Hall Annex (10455 Torre Avenue Improvements) to:

- 1) Proceed with programming, design, and construction of the building as the City's Permit Center and Emergency Operations Center (EOC);
- 2) Authorize the Director of Public Works to execute any necessary services or change orders, up to an amended contingency amount of \$166,722 for a total contract amount of \$610,202 on the design professional services agreement between the City and DIALOG Design LP (DIALOG) for the City Hall Annex Project (Project 2022-06) for the abovementioned scope; and
- 3) Authorize the City Manager to (a) execute a Design Professional Services Agreement between the City and Cumming Management Group, Inc. (Cumming) to provide construction management and related services for the City Hall Annex Project (Project 2022-06) in the amount of \$359,805; and (b) authorize the Director of Public Works to execute any necessary services or change orders, up to a contingency amount of \$71,961 (20% of base services,) for a total appropriation of \$431,766.

The motion carried unanimously.

ADJOURNMENT

At 6:18 p.m., Mayor Paul adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:45 p.m., Mayor Paul called the Regular City Council Meeting to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Consider a proclamation recognizing October as Domestic Violence Awareness Month
Recommended Action: Present proclamation recognizing October as Domestic Violence Awareness Month

Bishakha Chatterjee and Tejeswi Dodda, representing Maitri, received the proclamation.

Mayor Paul presented the proclamation recognizing October as Domestic Violence Awareness Month.

2. Subject: Consider a proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week
Recommended Action: Present proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week

Senior Code Enforcement Officer Monica Diaz received the proclamation.

Mayor Paul presented the proclamation declaring the 2nd week in October as Code Enforcement Officer Appreciation Week.

3. Subject: Consider acceptance of Cupertino Library Foundation donation for the Cupertino Library Expansion Project and certificate of appreciation for the donation
Recommended Action: Accept Cupertino Library Foundation donation for the Cupertino Library Expansion Project and present certificate of appreciation for the donation

Kiran Varshneya Rohra and Jim Davis, representing the Cupertino Library Foundation, presented the donation and received the certificate of appreciation.

Council accepted the Cupertino Library Foundation donation for the Cupertino Library Expansion Project and Mayor Paul presented the certificate of appreciation for the donation.

Council recessed from 6:56 p.m. to 7:15 p.m.

Councilmembers Hung Wei and Jon Robert Willey left the dais and attended the remainder of the meeting via teleconference.

POSTPONEMENTS AND ORDERS OF THE DAY

Moore moved and Paul seconded to move Item 17 to review potential crosswalk and signage options through Campo De Lozano subdivision to the Consent Calendar. The motion carried unanimously.

ORAL COMMUNICATIONS

Shani Kleinhaus, representing Santa Clara Valley Audubon Society, supported a golf course or activities compatible with wildlife along the creek, instead of elimination of the golf course.

San R was concerned about pedestrian safety around schools and supported additional crossing guards and safety measures.

Jennifer Griffin was concerned about the subtext of newly signed housing bills, including AB 2097 for parking minimums and AB 2011 allowing housing on commercial land.

Niharika Emani presented findings on a research project supporting the benefits of an LED conversion of City-owned lights. (Submitted written comments)

Rick Kitson, representing the Chamber of Commerce, was concerned about an exchange with a Councilmember regarding regulations prohibiting campaigning at festivals. (Submitted written comments).

Jenny Huang opposed the demolition of an illegal structure on her property and related fines and court costs.

Rhoda Fry was concerned about an error on the official ballot for candidates accepting campaign spending limits and the County's consideration of new land uses.

City Clerk Kirsten Squarcia read an email on behalf of Brooke Ezzat supporting the

examination of City's finances and contracts and Councilmember accomplishments.

REPORTS BY COUNCIL AND STAFF

4. Subject: Brief reports on councilmember activities and brief announcements
Recommended Action: Receive brief reports on councilmember activities and brief announcements

Council received brief reports on councilmember activities and brief announcements.

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

Councilmembers highlighted the activities of their various committees.

6. Subject: Report on Subcommittee assignments
Recommended Action: Report on Subcommittee assignments

Councilmembers reported on Subcommittee assignments.

7. Subject: City Manager update
Recommended Action: Receive City Manager update on City business

Council received the City Manager update on City business.

8. Subject: Department Update - City Manager's Office
Recommended Action: Receive update regarding the City Manager's Office

Written communications for this item included a staff presentation.

Acting Assistant to the City Manager Astrid Robles gave a presentation.

Council received the update regarding the City Manager's Office.

CONSENT CALENDAR (Items 9-14 and 17)

Mayor Paul opened the public comment period for all consent calendar items and the following people spoke.

Seema Lindskog, for Item 17, supported the signage and collecting data for one year before deciding the crosswalk requirement, location, and options.

Herve Marcy, for Item 17, supported collecting more data for the crosswalk and was concerned about safety for children.

Jennifer Shearin, for Item 17, supported the previous speakers' comments, modifications to the signage text, and waiting one year per the staff recommendation.

Mayor Paul closed the public comment period.

Moore moved and Wei seconded to approve the items on the Consent Calendar, including Item 17 which was added to the Consent Calendar, and with the exception of Item 14 which was pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

9. Subject: Consider approval of the October 4 City Council minutes
Recommended Action: Approve the October 4 City Council minutes

10. Subject: Consider accepting Accounts Payable for the periods ending August 8, 2022; August 15, 2022; August 22, 2022; August 29, 2022; and September 6, 2022
Recommended Action: A. Adopt Resolution No. 22-124 accepting Accounts Payable for the period ending August 8, 2022;
B. Adopt Resolution No. 22-125 accepting Accounts Payable for the period ending August 15, 2022;
C. Adopt Resolution No. 22-126 accepting Accounts Payable for the period ending August 22, 2022;
D. Adopt Resolution No. 22-127 accepting Accounts Payable for the period ending August 29, 2022; and
E. Adopt Resolution No. 22-128 accepting Accounts Payable for the period ending September 6, 2022

11. Subject: Consider the Monthly Treasurer's Report for August 2022
Recommended Action: Accept the Monthly Treasurer's Report for August 2022

12. Subject: Consider the Monthly Treasurer's Investment Report for August 2022
Recommended Action: Accept the Monthly Treasurer's Investment Report for August 2022

13. Subject: Consider approval and authorize the City Manager to execute a Master Agreement between the City of Cupertino and BKF Engineers, Inc. to provide civil engineering services on various Capital Improvement Programs (CIP) projects
Recommended Action: Approve a Master Agreement between the City of Cupertino

and BKF Engineers, Inc. and authorize the City Manager to execute a Master Agreement in an amount not-to-exceed \$500,000 for a term of three years with an option to extend the agreement for an additional period of up to two years

14. Subject: Award and authorize the City Manager to execute a maintenance services contract with Professional Turf Management for the Blackberry Farm Golf Course
Recommended Action: Award a contract to provide specified maintenance services at the Blackberry Farm Golf Course; and authorize the City Manager to execute a three-year maintenance services contract with Professional Turf Management in an amount not-to-exceed \$672,968

Written communications for this item included an email to Council.

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

Annie Yang, representing Santa Clara Valley Audubon Society Environmental Action Committee, supported including protections for birds and wildlife in the contract. (Submitted written comments).

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council recessed from 8:45 p.m. to 9:00 p.m.

Chao moved and Moore seconded to award a contract to provide specified maintenance services at the Blackberry Farm Golf Course; and authorize the City Manager to execute a three-year maintenance services contract with Professional Turf Management in an amount not-to-exceed \$672,968; with direction to staff to incorporate the 2016 contract environmental protection requirements; and ensure compliance with wildlife and water quality protection best practices in response to the Audubon Society's comments, including the comprehensive table provided. The motion carried unanimously.

17. Subject: Consider:
- a. Review crosswalk options across Rodrigues Avenue in the vicinity of the public pedestrian walkway easement through Tract 9405 (Campo De Lozano subdivision), located near 20138 Rodrigues Avenue; and
 - b. Review the proposed language for signage to be posted at each end of the pedestrian walkway easement through the Campo De Lozano subdivision (Continued on September 20, 2022)

Recommended Action: 1. Consider directing staff to return to City Council one year after the opening of Regnart Creek Trail (tentatively scheduled for November 2023) with recommendations on the necessity for, and location of, potential crosswalks across Rodrigues Avenue in the vicinity of the public pedestrian walkway easement through Tract 9405 (Campo De Lozano subdivision), located near 20138 Rodrigues Avenue; and 2. Review the proposed language for the signage to be installed and posted at each end of the pedestrian walkway easement through the Campo De Lozano subdivision. (Installation would occur following Council's approval at the October 18, meeting.)

Written communications for this item included a staff presentation, which was not heard, and emails to Council.

As noted under Postponements and Orders of the Day, this item was moved to the Consent Calendar.

SECOND READING OF ORDINANCES

15. Subject: Consider the second reading of Municipal Code Amendment to establish a streamlined permitting process to electric vehicle charging (EV) stations, in order to comply with State Laws AB 1236 and AB 970

Recommended Action: Conduct the second reading and enact Ordinance 22-2244: "An Ordinance of the Cupertino City Council Setting Forth Procedures for Expediting Permitting Processing for Electric Vehicle Charging Systems."

Mayor Paul opened the public comment period and seeing no one, closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2244: "An Ordinance of the Cupertino City Council setting forth procedures for expediting permitting processing for electric vehicle charging stations."

Moore moved and Willey seconded to read Ordinance No. 22-2244 by title only, and that the City Clerk's reading constitutes the second reading thereof; and that the ordinance be enacted. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

16. Subject: Application for Tentative Subdivision Map and planning permits for the development of six single-family homes on the parcel located at 20860 McClellan Road (Application No.(s): TM-2021-006, R-2021-040 to R-2021-045, RM-2022-015, -016, -022 to

-025; Applicant(s): District McClellan LLC, c/o Alok Damireddy; Location: 20860 McClellan Road; APN: 359-20-030)

Recommended Action: That the City Council take the following actions (Attachments A-C):

- a. Find that the project qualifies for CEQA exemption pursuant to Section 15332;
- b. Adopt Resolution No. 22-129 approving the Tentative Map to subdivide the subject parcel into six lots (TM-2021-006);
- c. Adopt Resolution No. 22-130 approving the Two-Story Permits (R-2021-040, -041, -042, -043, -044 -045); and
- d. Adopt Resolution No. 22-131 approving the Minor Residential Permits (RM-2022-015, -016, -022, -023, -024, -025)

Presenter: Piu Ghosh, Planning Manager

Written communications for this item included a staff presentation and an Updated 20860 McClellan Road Grading Plan for C3-Grading Drainage.

Planning Manager Piu Ghosh gave a presentation.

Mayor Paul opened the public hearing and the following people spoke.

Jennifer Griffin was concerned about new Accessory Dwelling Unit (ADU) laws including allowances for height limits and property lines setbacks.

Karl Brown supported improving the site and increasing the housing supply to allow renters to purchase homes.

Mayor Paul closed the public hearing.

Consultant Kelly Snider, representing McClellan LLC, gave an applicant presentation.

Councilmembers asked questions and made comments.

Chao moved and Moore seconded to:

- a. Find that the project qualifies for CEQA exemption pursuant to Section 15332; and
- b. Adopt Resolution No. 22-129 approving the Tentative Map to subdivide the subject parcel into six lots (TM-2021-006); and
- c. Adopt Resolution No. 22-130 approving the Two-Story Permits (R-2021-040, -041, -042, -043, -044 -045); and
- d. Adopt Resolution No. 22-131 approving the Minor Residential Permits (RM-2022-015, -016, -022, -023, -024, -025).

The motion carried unanimously.

ORDINANCES AND ACTION ITEMS

As noted under Postponements and Orders of the Day, Item 17 to review potential crosswalk and signage options through Campo De Lozano subdivision was moved to the Consent Calendar.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers added the following requests:

- Provide an informational memo regarding the Sign Ordinance, specifically relating to banners (Moore and Paul)
- Confirming if a study session regarding 5G deployment process will be scheduled soon (Willey and Paul)
- Information on brief responses to public testimony per The Brown Act (Chao and Paul) that will be followed up by City Attorney in a subsequent Council meeting

ADJOURNMENT

At 10:42 p.m., Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia, City Clerk