



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 6, 2016**

SPECIAL CITY COUNCIL MEETING

ROLL CALL

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

Present: Mayor Barry Chang, Vice Mayor Savita Vaidhyanathan, and Council members Rod Sinks and Gilbert Wong. Absent: Council member Darcy Paul.

CLOSED SESSION

1. Subject: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation, et al.

Mayor Chang announced that Council gave direction to staff.

STUDY SESSION

At 6:20 p.m. Mayor Chang re-convened the Special City Council meeting in Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

Present: Mayor Barry Chang, Vice Mayor Savita Vaidhyanathan, and Council members Rod Sinks, Darcy Paul (6:45 p.m.) and Gilbert Wong. Absent: None.

2. Subject: Aircraft Noise Study Session
Recommended Action: Conduct study session and provide direction to staff

Written communications for this item included an email and attachment.

City Manager David Brandt reviewed the staff report.

The following individuals spoke:

Minna Xu

Larry Russell

Ruhna Yonj, Tony Guan, Jing Liu on behalf of Save my Sunny Sky

Qin Pan

Ben Yu

Liang Chao

Muni Madhdapatla

Lisa Warren

Saratoga City Council member Mary-Lynn Bernald

Council gave direction to staff to identify a staff liaison and to write a letter to the Federal Aviation Administration. The Mayor will work with the City Manager and Council member Paul to represent Council in the letter.

ADJOURNMENT

At 7:54 p.m. Mayor Chang adjourned the Special City Council meeting.

REGULAR CITY COUNCIL MEETING

At 7:55 p.m. Mayor Barry Chang convened the Regular City Council meeting in Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

ROLL CALL

Present: Mayor Barry Chang, Vice Mayor Savita Vaidhyanathan, and Councilmembers Darcy Paul, Rod Sinks and Gilbert Wong. Absent: None.

Mayor Chang reordered the agenda to take up item number 2 under Ceremonial Matters and Presentations first.

CEREMONIAL MATTERS AND PRESENTATIONS

2. Subject: Presentation of Teen Commission FY 16-17 Work Plan
Recommended Action: Receive presentation of Teen Commission FY 16-17 Work Plan

Written communications for this item included a PowerPoint presentation.

Teen Commissioners Meesha Reisisih, Ankita Sahni and Anooj Vadodkar presented the Teen Commission FY 16-17 Work Plan via a PowerPoint presentation. Council received the presentation.

The meeting continued with item number one under Study Session.

STUDY SESSION

1. Subject: Study Session on Wireless Facilities within the Public Right of Way
Recommended Action: Recommend that the City Council conduct a study session and provide direction on the proposed use of public street light poles to mount small cellular facilities

Written communications for this item included a PowerPoint presentation.

Director of Public Works Timm Borden introduced the item and David Witkowski, Executive Director of Joint Venture Silicon Valley. He began the presentation with a PowerPoint.

Senior Civil Engineer Chad Mosely continued the PowerPoint presentation.

Scott Harry and Greg Guerazzi from Crown Castle and staff answered questions from Council.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Ed Hirshfield talked about the Hills at Vallco project and Measure C.

Sujatha Venkatraman on behalf of West Valley Community Services (WVCS) talked about Vallco Farmer's Market closing and the impact that would have to WVCS.

CONSENT CALENDAR

Sinks moved and Vaidhyathan seconded to approve the items on the Consent Calendar as presented with the exception of item number 6 which was pulled for discussion. Ayes: Chang,

Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None. Recuse: Sinks recused on item number 9.

3. Subject: Approve the November 15 City Council minutes
Recommended Action: Approve the November 15 City Council minutes
4. Subject: Accept Accounts Payable for the period ending October 7, 2016
Recommended Action: Adopt Resolution No. 16-129 accepting Accounts Payable for the period ending October 7, 2016
5. Subject: Accept Accounts Payable for the period ending October 14, 2016
Recommended Action: Adopt Resolution No. 16-130 accepting Accounts Payable for the period ending October 14, 2016
6. Subject: Accept resignation of Teen Commissioner Rishit Gundu and direct staff to fill the unscheduled vacancy with the annual Teen Commission recruitment in May 2017
Recommended Action: Accept resignation of Teen Commissioner Rishit Gundu and direct staff to fill the unscheduled vacancy with the annual Teen Commission recruitment in May 2017

Wong moved and Chang seconded to continue the item to December 20. The motion carried unanimously.

7. Subject: Establishment of Friendship City Relationships
Recommended Action: Review and consider 11 applications establishing Friendship City relationships with Luoyang, People's Republic of China; Qingdao, People's Republic of China; Shanghai, People's Republic of China; Shenzhen, People's Republic of China; Suzhou, People's Republic of China; Wuhan, People's Republic of China; Yilan, Taiwan, Republic of China; and Zhaoqing, People's Republic of China; and Guro, Seoul, South Korea
8. Subject: Enter into a subordination agreement with River City Bank and Joint Powers Authority members of the Silicon Valley Clean Energy Authority
Recommended Action: Authorize the City Manager to sign the subordination agreement with River City Bank and Joint Powers Authority members of the Silicon Valley Clean Energy Authority

9. Subject: Budget adjustment regarding the Apple Campus 2 contracts
Recommended Action: Approve the budget allocations necessary to execute the approved contracts in order to complete work at Apple Campus 2 through the end of Fiscal Year 2017
10. Subject: Application for Alcohol Beverage License for Amami Shima Sushi Corp, 19068 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Amami Shima Sushi Corp, 19068 Stevens Creek Boulevard

SECOND READING OF ORDINANCES

11. Subject: Second reading of an ordinance amending Chapter 19.08, Definitions, of the Municipal Code to add definitions of “financial institutions” and “banks” that expressly exclude payday lending and check cashing businesses with the intent to disallow such uses from operating within the City of Cupertino. (Application No(s): MCA-2016-04; Applicant(s): City of Cupertino; Location: City-wide)
Recommended Action: Conduct the second reading and enact Ordinance No. 16-2157, “An Ordinance of the City Council of the City of Cupertino Amending the Cupertino Municipal Code, Title 19, Zoning, Section 19.08.030, entitled “Definitions” to add the definition of “financial institutions” and “banks” to expressly exclude payday lending and check cashing businesses with the intent to disallow such uses from operating within the City of Cupertino”

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Chang seconded to read Ordinance No. 16-2157 by title only and that the City Clerk’s reading would constitute the second reading thereof. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

Wong moved and Chang seconded to enact Ordinance No. 16-2157. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

Council recessed from 9:03 p.m. to 9:11 p.m.

12. Subject: Second reading of an ordinance amending the Cupertino Municipal Code regarding the regulation, location, and the keeping of bees in the City and to make

other conforming changes for clarification and internal consistency. Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2158: "An ordinance of the City Council of the City of Cupertino to amend Chapter 8.07, Beekeeping, and Table 19.20.020 of Chapter 19.20, Permitted, Conditional, and Excluded Uses in Agricultural and Residential Zones, regarding the regulation, location, and the keeping of bees in the City and to make other conforming changes to Table 19.20.020 for clarification and internal consistency"

City Clerk Grace Schmidt read the title of the ordinance.

Paul moved and Wong seconded to read Ordinance No. 16-2158 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

Paul moved and Sinks seconded to enact Ordinance No. 16-2158. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

13. Subject: Second Reading of an ordinance amending the Cupertino Municipal Code related to accessory dwelling units to conform with State Law and for internal consistency. (Application No. MCA-2016-05; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: Conduct the second reading and enact Ordinance No. 16-2159 "An ordinance of the City Council of the City of Cupertino amending Title 19, Zoning, of the Cupertino Municipal Code including but not limited to Chapter 19.08 (Definitions), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones), Chapter 19.24 (Agricultural (A) and Agricultural - Residential (A-1) Zones), Chapter 19.32 (Residential Duplex (R-2) Zones), Chapter 19.52 (Reasonable Accommodation), and Chapter 19.112 (Second Dwelling Units in R-1, RHS, A and A-1 Zones), in response to recently adopted State legislation regarding accessory dwelling units for compliance with State Law, and for internal consistency"

City Clerk Grace Schmidt read the title of the ordinance.

Jennifer Griffin spoke on this item.

Wong moved and Vaidhyanathan seconded to read Ordinance No. 16-2159 by title only and that the City Clerk's reading would constitute the second reading thereof.

Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

Wong moved and Vaidhyanathan seconded to enact Ordinance No. 16-2159. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

14. Subject: Appeal of Kimberly Sandstrom Appeal Regarding Eligibility to Purchase Below Market Rate (BMR) Unit (Continued from November 1)
Recommended Action: Approve Resolution No. 16-101 regarding the appeal of Ms. Kimberly Sandstrom and affirming the recommendation of the Housing Commission regarding the eligibility of Ms. Sandstrom to purchase a BMR unit

City Manager David Brandt noted that this item was continued, the public hearing has been closed and staff has no further information.

Assistant City Manager Aarti Shrivastava introduced Kerri Heusler, the new Senior Planner for housing.

Council recessed to a closed session on this item from 9:27 p.m. to 9:33 p.m.

Sinks moved and Chang seconded to adopt Resolution No. 16-101 regarding the appeal of Ms. Kimberly Sandstrom and affirming the recommendation of the Housing Commission regarding the eligibility of Ms. Sandstrom to purchase a BMR unit. The motion carried unanimously.

15. Subject: Fiscal Year 2016-2017 Fee Schedule Amendment
Recommended Action: Adopt Resolution No. 16-131 approving an amended Fiscal Year 2016-2017 Fee Schedule, effective February 6, 2017

Deputy City Manager Jaqui Guzman reviewed the staff report.

Mayor Chang opened the public hearing and the following individuals spoke:

Harry Greenwood on behalf of the De Anza Optimist Club.

Mayor Chang closed the public hearing.

Wong moved and Paul seconded to adopt Resolution No. 16-131 approving an amended Fiscal Year 2016-2017 Fee Schedule, effective February 6, 2017. The motion carried with Chang and Sinks voting no.

ORDINANCES AND ACTION ITEMS

16. Subject: Consider upgrading the City's municipal electric accounts to 100% renewable and carbon free GreenPrime service with Silicon Valley Clean Energy upon service launch, which is scheduled to occur in April 2017
Recommended Action: Direct Silicon Valley Clean Energy (SVCE) to upgrade the City's electricity accounts to GreenPrime service, upon service launch in April 2017

Sustainability Manager Misty Mersich reviewed the staff report.

Wong moved and Paul seconded to direct Silicon Valley Clean Energy (SVCE) to upgrade the City's electricity accounts to GreenPrime service, upon service launch in April 2017. The motion carried unanimously.

17. Subject: Request from the Taipei Friendship City Committee for City to Sponsor a Smart City Conference in May of 2017 (continued from October 18)
Recommended Action: Sponsor the proposed Smart City Conference

Paul Chu and Kittur Nagesh from Taipei Friendship City Committee reviewed a PowerPoint presentation to answer questions Council had at the October 18 meeting.

Wong moved and Paul seconded to approve the request from the Taipei Friendship City Committee for the City to sponsor a Smart City Conference in 2017 with no financial support from the City of Cupertino with the exception of social media, logo and nominal staff. The committee would be required to come back to Council for any additional support. The motion carried unanimously.

REPORTS BY COUNCIL AND STAFF

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

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

ADJOURNMENT

At 10:45 p.m., Mayor Chang adjourned the meeting.

/s/ Grace Schmidt

Grace Schmidt, City Clerk