



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Monday, November 2, 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.

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.

STUDY SESSION

1. Subject: Presentation on the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), as required by Senate Bill (SB) 743
Recommended Action: Receive staff presentation and recommendations on the transition from LOS to VMT; provide input on VMT methods, metrics, thresholds, and the continued use of LOS outside of CEQA

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

Senior Transit & Transportation Planner Chris Corrao introduced Fehr and Peers Consultants Teresa Whinery and Dan Rubins who gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin was said the item was very technical for the public to understand and opposed removing LOS because the tool has been used successfully for years.

Planning Commissioner Kitty Moore (representing self) said the white paper report was not presented to the Planning Commission on September 22 and the item should be heard again by the Commission.

Mayor Scharf closed the public comment period.

Council received the staff presentation and recommendations on the transition from LOS to VMT; and provided the following input.

- continue to explore these tools to reduce greenhouse gasses
- send back to the Planning Commission and Bicycle Pedestrian Commission for further input
- concepts are technical/simplify for better public understanding
- provide greater detail on how calculations are figured
- look at objective standards for a standard condition of approval

ADJOURNMENT

REGULAR CITY COUNCIL MEETING

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

1. Subject: Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)
Recommended Action: Present Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Cupertino High School Volunteer Team Leader and Silicon Valley Korean School (SVKS) Team Leader Richard Oh accepted the Certificates of Appreciation on behalf of SVKS.

Mayor Scharf presented the Certificates of Appreciation to volunteers at the Silicon Valley Korean School (SVKS).

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Bicycle Pedestrian Commissioner Muni Madhhipatla (representing self) was concerned about misinformation regarding legal expenses reimbursed to the City for the Vallco SB 35 lawsuit and new NextDoor posting rules.

Jennifer Griffin was concerned about super PACs (political action committees) funding housing bills in the Bay Area and in Oregon.

Venkat Ranganathan was concerned about the health safety of the 5G small cell sites proposed for installation in Cupertino and opposed locations near residences and schools.

Aparna Sayana was concerned about the health risks related to the 5G small cell sites proposed for installation in Cupertino and opposed locations in residential areas.

Ram Sripathi Verizon was concerned about the health effects of small cell sites and opposed a proposed site installation on McClellan Road near homes.

City Clerk Kirsten Squarcia read the following emails into the record.

- on behalf of Lisa Warren regarding legal fees reimbursed by Vallco Property Owner, LLC for Friends of Better Cupertino v. City of Cupertino relating to the Vallco SB 35 project. (Submitted written comments).
- on behalf of Silicon Valley Leadership Group Vice President Tim McRae to participate in the Annual Applied Materials "Silicon Valley Turkey Trot" on Thanksgiving.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts

City Manager Deborah Feng reported on COVID-19 case rates, testing opportunities, state tier assignment updates, and vaccine timeline estimates; City events; voter information; public safety power shutoff (PSPS) and inclement weather updates; homeless encampment updates; and Cupertino small business emergency relief grant recipients.

Council received the City Manager update on emergency response efforts.

3. Subject: Report on Committee assignments_
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

CONSENT CALENDAR

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

4. Subject: Approve the October 20 City Council minutes
Recommended Action: Approve the October 20 City Council minutes_
5. Subject: Accept Accounts Payable for the period ending July 13, 2020
Recommended Action: Adopt Resolution No. 20-118 accepting Accounts Payable for the period ending July 13, 2020
6. Subject: Accept Accounts Payable for the period ending July 20, 2020
Recommended Action: Adopt Resolution No. 20-119 accepting Accounts Payable for the period ending July 20, 2020
7. Subject: Accept Accounts Payable for the period ending July 27, 2020
Recommended Action: Adopt Resolution No. 20-120 accepting Accounts Payable for the period ending July 27, 2020
8. Subject: Accept Accounts Payable for the period ending August 03, 2020_
Recommended Action: Adopt Resolution No. 20-121 accepting Accounts Payable for the period ending August 03, 2020
9. Subject: Accept Accounts Payable for the period ending August 10, 2020
Recommended Action: Adopt Resolution No. 20-122 accepting Accounts Payable for the period ending August 10, 2020
10. Subject: Accept Accounts Payable for the period ending August 17, 2020
Recommended Action: Adopt Resolution No. 20-123 accepting Accounts Payable for the period ending August 17, 2020
11. Subject: Accept Accounts Payable for the period ending August 24, 2020
Recommended Action: Adopt Resolution No. 20-124 accepting Accounts Payable for the period ending August 24, 2020
12. Subject: Accept Accounts Payable for the period ending August 31, 2020
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Recommended Action: Adopt Resolution No. 20-125 accepting Accounts Payable for the period ending August 31, 2020

13. Subject: Accept Accounts Payable for the period ending September 08, 2020
Recommended Action: Adopt Resolution No. 20-126 accepting Accounts Payable for the period ending September 08, 2020
14. Subject: Accept Accounts Payable for the period ending September 11, 2020
Recommended Action: Adopt Resolution No. 20-127 accepting Accounts Payable for the period ending September 11, 2020
15. Subject: Accept Accounts Payable for the period ending September 21, 2020
Recommended Action: Adopt Resolution No. 20-128 accepting Accounts Payable for the period ending September 21, 2020
16. Subject: Accept Accounts Payable for the period ending September 28, 2020
Recommended Action: Adopt Resolution No. 20-129 accepting Accounts Payable for the period ending September 28, 2020
17. Subject: Authorization to extend the 2015 Contractual Janitorial Service Contract
Recommended Action: Authorize the City Manager to extend the 2015 Contractual Janitorial Service Contract, Project No. 2015-23 with IMPEC Group, Inc., for a term of up to one year due to the impacts of COVID-19

SECOND READING OF ORDINANCES

18. Subject: Second reading of Ordinance No. 20-2213 adopting Municipal Code Amendments to CMC Chapter 10.48 Community Noise Control to regulate leaf blowers to implement the Fiscal Year 2020-21 City Council Work Program items related to ordinance updates on gas-powered leaf blowers. Application No(s): MCA-2020-002; Applicant(s): City of Cupertino; Location: Citywide.
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2213: "An Ordinance of the City Council of the City of Cupertino to Amend Chapter 10.48, Community Noise Control to Adopt Leaf Blower Regulations."

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

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2213: "An Ordinance of the City Council of the City of Cupertino amending Chapter 10.48, Community Noise Control for Leaf Blower Regulations."

Scharf moved and Willey seconded to read the title of Ordinance No. 20-2213 by title only and that the City Clerk's reading would constitute the second reading thereof.

Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

Scharf moved and Willey seconded to enact Ordinance No. 20-2213.

Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

19. Subject: Second reading of Ordinance No. 20-2214 to adopt minor, cleanup amendments to the Cupertino Municipal Code: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Section 2.04.010 (concerning regular meetings of the City Council); Section 2.28.040 (concerning powers and duties of the City Manager); Section 8.01.090 (concerning animals in City buildings); Chapter 11.08 (concerning bicycle licensing and registration); and Section 13.04.190 (concerning activities prohibited in City parks)."

Recommended Action: Conduct the second reading and enact Ordinance No. 20-2214: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Section 2.04.010 (concerning regular meetings of the City Council); Section 2.28.040 (concerning powers and duties of the City Manager); Section 8.01.090 (concerning animals in City buildings); Chapter 11.08 (concerning bicycle licensing and registration); and Section 13.04.190 (concerning activities prohibited in City parks)."

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

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2214: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Section 2.04.010 (concerning regular meetings of the City Council); Section 2.28.040 (concerning powers and duties of the City Manager); Section 8.01.090 (concerning animals in City buildings); Chapter 11.08 (concerning bicycle licensing and registration); and Section 13.04.190 (concerning activities prohibited in City parks)."

Paul moved and Sinks seconded to read the title of Ordinance No. 20-2214 by title only and that the City Clerk's reading would constitute the second reading thereof.

Paul moved and Sinks seconded to enact Ordinance No. 20-2214.

Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

20. Subject: Second reading of Ordinance No. 20-2215 for a one-time adjustment to the City of Cupertino minimum wage to be consistent with the cities of Los Altos, Palo Alto, and Santa Clara such that the minimum wage will be consistent among those cities and the City of Cupertino in 2021 and in subsequent years to achieve a desired

uniformity among the cities of Los Altos, Palo Alto, and Santa Clara

Recommended Action: Conduct the second reading and enact Ordinance No. 20-2215: "An Ordinance of the City of Cupertino to set the minimum wage for 2021 at \$15.65 per hour".

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

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2215: "An Ordinance of the City Council of the City of Cupertino to set the minimum wage for 2021 at \$15.65 per hour."

Sinks moved and Scharf seconded to read the title of Ordinance No. 20-2215 by title only and that the City Clerk's reading would constitute the second reading thereof.

Sinks moved and Scharf seconded to enact Ordinance No. 20-2215.

Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

Council recessed from 7:52 p.m. to 7:56 p.m.

PUBLIC HEARINGS – None

ORDINANCES AND ACTION ITEMS

21. Subject: Discuss improvements to the Weed Abatement Program, and approve a budget appropriation (BMN 2021-105) of \$8,046 to supplement outreach for the Weed Abatement Program and to cover initial inspection fees for properties found to be in compliance.

Recommended Action: Discuss improvements to the Weed Abatement Program, and approve a budget appropriation (BMN 2021-105) of \$8,046 to supplement outreach for the Weed Abatement Program and to cover initial inspection fees for properties found to be in compliance.

Written communications for this item included a staff presentation.

Councilmember Chao recused herself and left the meeting.

Assistant to the City Manager Katy Nomura gave a presentation.

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

Councilmember Liang Chao (representing self) supported paying the fine but opposed being added to the list for three years after property compliance and abatement.

Bicycle Pedestrian Commissioner Muni Madhhipatla (representing self) asked about the follow-up process when using the County mobile application to report weed issues.

Mayor Scharf closed the public comment period.

Councilmembers asked questions and made comments.

Sinks moved and Scharf seconded to approve a budget appropriation (BMN 2021-105) for the updated amount of \$8,886 to supplement outreach for the Weed Abatement Program and to cover initial inspection fees for properties found to be in compliance.

Paul made a friendly amendment to continue these practices moving forward and to approve an ongoing budget allocation in the annual budget. (Sinks and Scharf accepted the friendly amendment).

The amended motion carried unanimously with Chao recused.

Councilmember Chao returned to the meeting.

22. Subject: Consider investigating potential acquisition of Cupertino Union School District (CUSD) property located on Finch Avenue next to D. J. Sedgwick Elementary School and discuss other potential steps to assist CUSD in light of potential school closures in Cupertino; provide direction to staff on these issues.
Recommended Action: Provide direction to staff to investigate potential acquisition of CUSD property located on Finch Avenue next to D. J. Sedgwick Elementary School, and provide direction on any other potential steps.

Written communications for this item included a staff presentation and an email to Council.

City Manager Deborah Feng gave a presentation.

CUSD Board of Education Interim Superintendent Stacy McAfee-Yao and President Lori Cunningham gave statements and answered questions.

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

Jennifer Griffin opposed closing or selling Hyde or Sedgwick and was interested in

pursuing the Sedgwick property.

Bicycle Pedestrian Commissioner Muni Madhhipatla (representing self) supported equitable parcel and property taxes and square foot-based taxes.

Fine Arts Commissioner Sudha Kasamsetty (representing self) supported looking at viable solutions, City collaboration, and partnering on the Finch property.

Shaohua Yang supported looking into increasing the sales taxes generated by Apple to support the schools.

Jean Bedord opposed the timing of the non-City work plan item, with no prior outreach to CUSD, and the City making decisions for another jurisdiction.

Councilmember Sinks left the meeting.

Lisa Warren supported better communication of the district's funding issues, collaborating with the other cities in the district, and passing a parcel tax.

Planning Commissioner Vikram Saxena (representing self) supported preserving CUSD land and collaborating with the City to address structural issues.

Liping Cui asked why CUSD was looking at school closures when other cities with decreased enrollment were not.

Planning Commissioner Kitty Moore (representing self) supported accurate and consistent data on CUSD needs and the City collaborating on steps to help CUSD.

Yonghui Mou supported passing a parcel tax before closing schools and postponing a decision until next semester.

Lili Li supported passing a parcel tax and other solutions before closing schools, transparency in enrollment status and funding, and more community involvement.

Planning Commissioner David Fung (representing self) supported CUSD actions given the enormous decline and supported working as community with the CUSD.

Sowmya Ramarao opposed the current CUSD plan to save money with the impact on Meyerholz Elementary School students, and supported City collaboration.

Kristen Lyn supported passing a parcel tax, exploring other solutions before closing

schools, and greater transparency.

Peggy Griffin supported a square foot parcel tax, the City and CUSD partnering on the Finch location, and opposed closing schools and losing parks.

Shridhar Shirahatti supported looking at other revenue increasing options before closing schools.

Mayor Scharf closed the public comment period.

Councilmembers asked questions and made comments.

Council directed the City Manager and staff to meet with Cupertino Union School District (CUSD) to evaluate options for collaboration including potential real property acquisition and provide recommendations (Sinks absent).

ORAL COMMUNICATIONS - CONTINUED (As necessary) - None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Added the following future agenda items.

- Discuss a City Council policy to end City Council meetings by midnight (Paul/Scharf)
- Consider an amendment to the Municipal Code regarding lobbying activity (Paul/Chao)

ADJOURNMENT

At 10:01 p.m., Mayor Scharf adjourned the meeting.

/s/Kirsten Squarcia
Kirsten Squarcia, City Clerk