



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, January 16, 2018

SPECIAL CITY COUNCIL MEETING

At 5:45 p.m. Mayor Darcy Paul called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

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

Council went into closed session and reconvened in open session at 6:48 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue for the Regular Meeting.

CLOSED SESSION

1. Subject: Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Two Cases

Mayor Paul announced that staff updates were given and Council gave direction.

2. Subject: Conference with Real Property Negotiators (Government Code Section 54956.8); Property: Cupertino Municipal Water System; Agency Negotiator: Timm Borden; Negotiating Parties: City of Cupertino and San Jose Water Company; Under Negotiation: Terms for City Leased Asset

Mayor Paul announced that staff updates were given and Council gave direction.

ADJOURNMENT

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:48 p.m. Mayor Darcy Paul called the Regular City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of

Allegiance.

ROLL CALL

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

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation of Certificates of Recognition for Science Fair and Talent Search winners
Recommended Action: Present Certificates of Recognition for Science Fair and Talent Search winners

Forrest Williams, Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Board Member, introduced the Cupertino Science Fair winners.

Mayor Paul presented the certificates of recognition for the Science Fair and Talent Search winners.

2. Subject: Proclamation recognizing the Age-Friendly Cupertino Task Force for their efforts in achieving designation for The City of Cupertino as an "Age-Friendly City" by the World Health Organization (WHO)
Recommended Action: Present proclamation recognizing the Age-Friendly Cupertino Task Force for their efforts in achieving designation for The City of Cupertino as an "Age-Friendly City" by the World Health Organization (WHO)

Mayor Paul presented the proclamation to Richard Adler, Cupertino Age-Friendly City Task Force Chair and Diana Miller, Seniors' Agenda Project Director with the Department of Aging and Adult Services for Santa Clara County recognizing the Age-Friendly Cupertino Task Force for their efforts in achieving designation for The City of Cupertino as an "Age-Friendly City" by the World Health Organization (WHO).

3. Subject: Proclamation recognizing Roger Lee, Assistant Director of Public Works, for receiving the 2017 Jerry D. Scott Outstanding Superintendent of the Year Award from the Maintenance Superintendents Association
Recommended Action: Present proclamation recognizing Roger Lee, Assistant Director of Public Works, for receiving the 2017 Jerry D. Scott Outstanding Superintendent of the Year Award from the Maintenance Superintendents Association.

Director of Public Works Timm Borden introduced the Maintenance Superintendents

Association (MSA) San Francisco Bay Area Chapter President and Service Center Superintendent Carl Valdez who presented Roger Lee with the 2017 Jerry D. Scott Outstanding Superintendent of the Year Award from the MSA.

Mayor Paul presented the proclamation recognizing Roger Lee, Assistant Director of Public Works, for receiving the 2017 Jerry D. Scott Outstanding Superintendent of the Year Award from the Maintenance Superintendents Association.

POSTPONEMENTS

4. Subject: Item No. 15 to consider a revised request for General Plan amendment authorization to demolish the existing ~71,254 sq.ft. Oaks Shopping Center and construct a mixed-use development (Westport Cupertino) at the site. (Application No.(s): GPAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041). Continued from December 5, 2017. **The applicant has withdrawn the application and the public hearing is cancelled.**

ORAL COMMUNICATIONS

Phyllis Dickstein talked about the consultants for Vallco and the Environmental Impact Report (EIR) for the Vallco Shopping District Specific Plan and The Hills at Vallco project.

Danessa Techmanski (Cupertino Resident), on behalf of the Cupertino De Anza Lions Club, talked about the 22nd Annual Crab Feed and Silent Auction on February 3 in Santa Clara.

CONSENT CALENDAR

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

5. Subject: Approve the December 19 City Council minutes
Recommended Action: Approve the December 19 City Council minutes
6. Subject: Accept Account Payable for the period ending October 27, 2017
Recommended Action: Adopt Resolution No. 18-001 accepting Accounts Payable for the period ending October 27, 2017
7. Subject: Accept Accounts Payable for the period ending November 11, 2017
Recommended Action: Adopt Resolution No. 18-002 accepting Accounts Payable for

the period ending November 11, 2017

8. Subject: Accept Accounts Payable for the period ending December 8, 2017
Recommended Action: Adopt Resolution No. 18-003 accepting Accounts Payable for the period ending December 8, 2017
9. Subject: Accept Accounts Payable for the period ending December 15, 2017
Recommended Action: Adopt Resolution No. 18-004 accepting Accounts Payable for the period ending December 15, 2017
10. Subject: Accept Accounts Payable for the period ending December 22, 2017
Recommended Action: Adopt Resolution No. 18-005 accepting Accounts Payable for the period ending December 22, 2017
11. Subject: Accept Accounts Payable for the period ending December 29, 2017
Recommended Action: Adopt Resolution No. 18-006 accepting Accounts Payable for the period ending December 29, 2017
12. Subject: Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3 (Operating Engineers), Appointed (City Attorney), Elected Official groups and retired annuitants.
Recommended Action: Adopt Resolution No. 18-007 increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local Union No. 3, Appointed, Elected Officials, and retired annuitant groups.
13. Subject: 2017/18 Comprehensive Facility Condition and Use Assessments
Recommended Action: Authorize the City Manager to negotiate and execute the 2017/18 Comprehensive Facility Condition and Use Assessments agreement with The KPA Group for an amount of \$198,720 and approve a contingency of \$1,280 for a total of \$200,000

SECOND READING OF ORDINANCES

14. Subject: Second Reading for an ordinance to amend regulations in Title 19, Zoning of the Municipal Code with regard to Accessory Dwelling Units, including Chapter 19.08, Definitions, and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 zones (Application No(s): MCA-2017-05; Applicant(s): City of

Cupertino; Location: Citywide)

Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 17-2170: “An Ordinance of the City Council of the City of Cupertino amending Chapter 19.08, Definitions and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 Zones (Residential Zoning Districts) to conform to new state laws”

Principal Planner Piu Ghosh reviewed the staff report.

Rhoda Fry spoke on this item.

Staff answered questions from Council.

Deputy City Clerk Kirsten Squarcia read the title of the ordinance.

Sinks moved and Chang seconded to read Ordinance No. 17-2170 by title only and that the City Clerk’s reading would constitute the second reading thereof. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

Sinks moved and Chang seconded to enact Ordinance No. 17-2170. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

- 15.** Subject: Consider a revised request for General Plan amendment authorization to demolish the existing ~71,254 sq.ft. Oaks Shopping Center and construct a mixed-use development (Westport Cupertino) at the site. (Application No. (s): GPAAuth-2017-02; Applicant: KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN: 326-27-039, -040 and -041). Continued from December 5, 2017. **The applicant has withdrawn the application and the public hearing is cancelled.**
Recommended Action: The applicant has withdrawn the application and the public hearing is cancelled.

Under Postponements, this item was not heard because the applicant withdrew the application and the public hearing was cancelled.

ORDINANCES AND ACTION ITEMS

- 16.** Subject: Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 17-110
Recommended Action: Note objections and adopt Resolution No. 18-008 ordering

abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 17-110

The following people spoke on this item:

Amit Butala and Gloria Chiang, on behalf of the Cupertino Knolls HOA
Hua Dong
Jason Gu
Paulina

Santa Clara County Weed Abatement Manager Moe Kumre answered questions from Council.

Paul moved and Sinks seconded to adopt Resolution No. 18-008 ordering abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 17-110. The motion carried with Scharf voting no.

17. Subject: Council Committee appointments
Recommended Action: Approve Council Committee appointments

Sinks moved and Chang seconded to approve Council Committee appointments with the following additions: Councilmember Scharf appointed as alternate for the Comprehensive County Expressway Planning Study Policy Advisory Board; directed staff to add to list the Cities Association of Santa Clara County Select Committee on South Bay Arrivals with Councilmember Vaidhyanathan appointed as primary; and direct staff add to list Ad Hoc Committee on South Flow Arrivals with Councilmember Vaidhyanathan appointed as primary and Councilmember Steven Scharf as alternate. 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

Councilmembers highlighted the activities of their committees and various community events.

Mayor Paul noted that the State of the City was being held on Wednesday, January 31 at the Quinlan Community Center with the daytime luncheon beginning at 11:30 a.m. and also an evening event beginning at 6:30 pm.

ADJOURNMENT

At 8:36 p.m., Mayor Paul adjourned the meeting.

Kirsten Squarcia, Deputy City Clerk