



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, November 19, 2019

**SPECIAL CITY COUNCIL MEETING**

At 5:31 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

**ROLL CALL**

Present: Mayor Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

**STUDY SESSION**

1. Subject: Study session regarding policy options to reduce the use of natural gas and increase electrification of Cupertino's building stock via local amendments to the 2019 California Energy & Green Building Standards Codes (Reach Codes).  
Recommended Action: Provide direction on policy options to reduce the use of natural gas and increase electrification of Cupertino's building stock via local amendments to the 2019 California Energy and Green Building Standards Codes.

Written communications for study session included emails to Council and a presentation.

Sustainability Manager Andre Duuvoort introduced consultant John Supp, Silicon Valley Clean Energy Authority Account Services Manager, and reviewed the presentation.

Staff and consultant answered questions from Council.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin- discuss and study

Anika Huang (Santa Clara resident) on behalf of Cupertino Youth Climate Action Team- in favor

Sanat Singhal on behalf of Cupertino Youth Climate Action Team- in favor (provided written comments).

Sofia Wang (Cupertino resident)- in favor

Helen Deng- in favor

Linda Sell (Sunnyvale resident) on behalf of Bay Area for Clean Environment- in favor

Rose Grymes (Cupertino resident)- in favor

Vignesh Swaminathan (Cupertino resident) on behalf of the Sustainability Commission – in favor

Dashiell Leeds on behalf of Sierra Club Loma Prieta Chapter- in favor

Gary Latshaw (Cupertino resident) on behalf of Bay Area for Clean Environment- in favor

Hoi Yung Poon (San Jose resident) on behalf of Silicon Valley Youth Climate Action- in favor

Ida Rose Sylvester (Mountain View resident) on behalf of Fossil Free Buildings Campaign- in favor

James Tulaya (Sunnyvale resident) on behalf of Carbon Free Silicon Valley- in favor

Danielle Burnett-Foster (Cupertino resident)- in favor

Patrick Ahrens (Cupertino resident)- in favor

Neil (Cupertino resident)- in favor

Mayor Scharf closed public comment.

Council conducted the study session regarding policy options to reduce the use of natural gas and increase electrification of Cupertino's building stock via local amendments to the 2019 California Energy and Green Building Standards Codes.

Council comments included:

- Overall support for going all-electric
- Climate change crisis/urgency
- Need community outreach and education
- Conduct induction demonstration workshop at Quinlan Community Center. To be recorded for availability on website.
- Look into solutions along lines of parking
- Look into cost savings

## **ADJOURNMENT**

At 6:54 p.m., Mayor Scharf adjourned the Special meeting.

## **REGULAR CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

At 6:54 p.m. Mayor Steven Scharf 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 Steven Scharf, Vice Mayor Liang Chao, and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

Council voted to reorder the agenda to hear Item No. 7 before Item No. 6 (unanimous).

## **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Certificates of Appreciation to the Cupertino Citizen Corps for their assistance with the recent Public Safety Power Shutdown (PSPS)  
Recommended Action: Present Certificates of Appreciation to the Cupertino Citizen Corps for their assistance with the recent Public Safety Power Shutdown (PSPS)

Mayor Scharf presented Certificates of Appreciation to the Cupertino Citizen Corps for their assistance with the recent Public Safety Power Shutdown (PSPS).

2. 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)

Silicon Valley Korean School Young Vice Principal Sook Kim introduced a student representative who gave a brief presentation.

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

3. Subject: Proclamation for Lung Cancer Awareness Month  
Recommended Action: Present proclamation for Lung Cancer Awareness Month

Yoyo Wang, co-founder of the American Lung Cancer Screening Initiative gave a brief presentation regarding lung cancer awareness.

Mayor Scharf presented a proclamation to Yoyo Wang for Lung Cancer Awareness Month.

4. Subject: Presentation by Cupertino-Cupertino, Italy Sister City Committee adult delegation regarding recent trip

Recommended Action: Receive presentation by Cupertino-Cupertino, Italy Sister City Committee adult delegation regarding recent trip

Helene Davis, President of the Cupertino-Cupertino, Italy Sister City Committee introduced representatives from the adult delegation who gave a brief presentation regarding the recent trip.

The delegation presented the Mayor with a ceremonial gift.

Council received the presentation.

5. Subject: Presentation by Judy Miner, Chancellor of Foothill-De Anza Community College on the planning process for the facility that will replace De Anza's Flint Center

Recommended Action: Receive Presentation by Judy Miner, Chancellor of Foothill-De Anza Community College on the planning process for the facility that will replace De Anza's Flint Center

Judy Miner, Chancellor of Foothill-De Anza Community College and Board of Trustees President Pearl Cheng gave a presentation on the planning process for the facility that will replace De Anza's Flint Center.

The presenters answered questions from Council.

Council received the presentation.

#### **REPORTS BY COUNCIL AND STAFF (10 minutes)**

7. Subject: Report on Committee assignments

Recommended Action: Report on Committee assignments

City Manager Deb Feng gave a statement regarding the Vallco demolition.

#### **POSTPONEMENTS**

6. Subject: Continue Item No. 15 Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments to a future meeting date and item will be renoticed. These topics will be discussed in the study session.

Recommended Action: Continue Item No. 15 Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments to a future meeting date.

Continued Item No. 15 Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments to a future meeting date.

## **ORAL COMMUNICATIONS**

Sujatha Venkatraman, on behalf of West Valley Community Services, talked about fighting hunger and homelessness, partnership with the City (submitted written comments).

Jennifer Griffin talked about San Jose's urban village shopping center and those students going to Cupertino High School, and the nearby Safeway remaining open.

Shirley Hung (San Jose resident) talked about food safety concerns from purchasing expired foods from Marina Foods and related health issues for seniors.

Shiv Shah (Santa Clara resident) talked about bike safety on N. Tantau to Cupertino High School and suggestions for the bike lanes.

Jean Bedord provided written comments regarding Planning Commissioner Ray Wang on behalf of Ian Greensides.

Pamela Hershey talked about Vallco and the demolition of the Sears Auto Center, reassurance about black dust and toxicity.

Lisa Warren talked about improving R1 requirements for balconies and trees, addressing tree size and distance requirements, and balcony privacy concerns.

Dana Techmanski talked about Vallco and Sand Hill, materials being removed, exposure to dust and asbestos around adjacent homes.

R Wang (representing self) talked about ways to communicate with citizens, complaints about balconies and trees, and maintaining privacy; and free speech and defamation.

Qin Pan (representing herself) talked about the demolition at Vallco and the City taking measures to protect the neighbors from debris and materials.

Council recessed from 8:45 p.m. to 8:55 p.m.

**CONSENT CALENDAR**

Paul moved and Scharf seconded to approve items on the Consent Calendar as presented except for item numbers 8, 9, and 10 which were pulled for discussion. Ayes: Scharf, Chao, Paul, and Willey. Noes: None. Abstain: None. Absent: Sinks.

8. Subject: Annual adoption of Other Post-Employment Benefits (“OPEB”) Trust Investment Policy.

Recommended Action: Adopt Resolution No. 19-135 accepting the City Investment Policy for the OPEB Trust.

Finance Manager Zachary Korach answered questions from Council.

Paul moved and Chao seconded to Adopt Resolution No. 19-135 accepting the City Investment Policy for the OPEB Trust. The motion carried with Sinks absent.

9. Subject: Annual adoption of Pension Trust Investment Policy.

Recommended Action: Adopt Resolution No. 19-136 accepting the City Investment Policy for the Pension Trust.

Finance Manager Zachary Korach answered questions from Council.

Paul moved and Chao seconded to Adopt Resolution No. 19-136 accepting the City Investment Policy for the Pension Trust. The motion carried with Sinks absent.

10. Subject: Treasurer’s Investment Report for period ending September 30, 2019

Recommended Action: Accept staff report and provide recommendations.

Finance Manager Zachary Korach answered questions from Council.

Paul moved and Chao seconded to Accept Treasurer’s Investment Report for period ending September 30, 2019. The motion carried with Sinks absent.

11. Subject: Department of Housing and Community Development (HCD) Senate Bill (SB) 2 Planning Grants Program Application

Recommended Action: Adopt Resolution No. 19-137 authorizing application for, and receipt of, SB 2 Planning Grants Program Funds

12. Subject: Application for Alcoholic Beverage License for Welcome Market Inc (dba 99 Ranch Market), 10425 S. De Anza Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Welcome Market Inc (dba 99 Ranch Market), 10425 S. De Anza Boulevard.

13. Subject: Application for Alcoholic Beverage License for Welcome Market, Inc (dba 99 Ranch Market), 10983 N. Wolfe Rd.

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the Application for Alcoholic Beverage License for Welcome Market Inc (dba 99 Ranch Market), 10983 N. Wolfe Road.

## SECOND READING OF ORDINANCES

14. Subject: Second reading of Municipal Code Amendments to the Cupertino Municipal Code, Title 5, adopting new policies regulating the sale of tobacco, such as requiring a local permit to sell tobacco products, prohibiting the sale of flavored tobacco, prohibiting new businesses from selling tobacco near schools and reducing tobacco retailer density, prohibiting tobacco sales at pharmacies and in vending machines, and limiting storefront signage.

Recommended Action: Conduct second reading and enact Ordinance No. 19-2190; "An ordinance of the City Council of the City of Cupertino adding chapter 5.50 to title 5 (Business Licenses and Regulations) to regulate the sale of tobacco products and repealing chapter 10.27 of the Municipal Code (Cigarette and/or Tobacco Vending Machines)"

Deputy City Clerk Kirsten Squarcia read the title of Ordinance No. 19-2190; "An ordinance of the City Council of the City of Cupertino adding chapter 5.50 to title 5 (Business Licenses and Regulations) to regulate the sale of tobacco products and repealing chapter 10.27 of the Municipal Code (Cigarette and/or Tobacco Vending Machines)"

Paul moved and Scharf seconded to read Ordinance No. 19-2190 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Scharf, Chao, Paul, and Willey. Noes: None. Abstain: None. Absent: Sinks. Recuse: None.

Paul moved and Scharf seconded to enact Ordinance No. 19-2190. Ayes: Scharf, Chao, Paul, and Willey. Noes: None. Abstain: None. Absent: Sinks. Recuse: None.

## REPORTS BY COUNCIL AND STAFF (10 minutes) - CONTINUED

7. Subject: Report on Committee assignments

Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

## **PUBLIC HEARINGS**

**15. Subject:** Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments has been continued to a future meeting date and item will be renoticed. These topics will be discussed in the study session.

Recommended Action: Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments has been continued to a future meeting date.

Under Postponements, this item was continued to a future meeting and will be renoticed.

## **ORDINANCES AND ACTION ITEMS**

**16. Subject:** Update on Library Expansion Project, selection of Conceptual Design, approval of project delivery method, and direction on project funding.

Recommended Action: 1. Conceptual Design: Select either the One-Story or the Two-Story Conceptual Design. Additional actions listed below as determined by Conceptual Design selection. 2. One-Story Conceptual Design a. Approve use of a traditional Design-Bid-Build project delivery method. b. Authorize the City Manager or her designee to negotiate and enter into all agreements as necessary with a qualified architectural firm and construction/project management firm for an amount not-to-exceed \$808,200. 3. Two-Story Conceptual Design a. Authorize use of a Design-Build project delivery method, using best value selection, assuming Design-Build is determined to be feasible. b. Approve Resolution 19-138 executing a loan agreement of up to \$3,000,000 from the General Fund to Capital Fund for the Library Room Expansion. c. Approve Budget Amendment 1920-070 increasing appropriation by \$3,000,000 for the Library Expansion Project. d. Authorize the City Manager or her designee to negotiate and enter into all agreements as necessary with a qualified architectural firm and construction/project management firm for an amount not-to-exceed \$1,870,500. 4. Staffing: Authorize transfer of a 3-year Limited Term Project Manager in the Department of Public Works from the new City Hall project to the Library Expansion Project.

Written communications for this item included a presentation.

Director of Public Works Roger Lee, Assistant City Manager Dianne Thompson, Capital Improvement Program Manager Michael Zimmerman, and County Librarian and Executive Director of the Santa Clara County Library District Nancy Howe reviewed the presentation.



Mayor Scharf opened public comment and the following individuals spoke:

Amanda Wo (Cupertino resident) on behalf of the Library Commission- in favor of two-story option

Kitty Moore (representing self)- in favor of two-story option

Qin Pan (Cupertino resident, representing self) - in favor of two-story option

Liana Crabtree (representing self)- in favor, parking constraints, overflow and signage

Gilbert Wong (representing self)- in favor

Kirin Varshneya on behalf of Cupertino Library Foundation- in favor

Art Cohen (Morgan Hill resident) on behalf of the Cupertino Library Foundation- in favor of two-story option

Henry Sang on behalf of Cupertino Library Foundation- in favor of two-story option (provided written comments)

Lisa Warren- in favor of two-story option, bird safety

Rahul Vasanth (representing self)- in favor of two-story option

Mayor Scharf closed public comment.

Staff and presenters answered questions from Council.

Paul moved and Scharf seconded to:

1. Select the two-story conceptual design provided in the staff report accompanying agenda item 16 with the following additional elements of:

a. Further partitioning off the second-story spaces of the divided program room into meeting-oriented sub-spaces.

b. Opportunities for fundraising within the physical design.

c. Potential re-design of the restrooms.

d. Potential opening up of the first floor on the northern and/or southern sides of the story room to the courtyard and redwood grove, respectively.

e. Potential integration of design elements of the library expansion with the natural elements contained in the courtyard and redwood grove.

f. A potential balcony on the second story.

2. Further, for the Two-Story Conceptual Design:

a. Authorize use of a Design-Build project delivery method, using best value selection, assuming Design-Build is determined to be feasible.

b. Approve Resolution 19-138 executing a loan agreement of up to \$3,000,000 from the General Fund to Capital Fund for the Library Room Expansion.

c. Approve Budget Amendment 1920-070 increasing appropriation by \$3,000,000 for the Library Expansion Project.

d. Authorize the City Manager or her designee to negotiate and enter into all agreements as necessary with a qualified architectural firm and construction/project management firm for an amount not-to-exceed \$1,870,500.; and

3. For Staffing: Authorize transfer of a 3-year Limited Term Project Manager in the Department of Public Works from the new City Hall project to the Library Expansion Project.

The motion carried with Sinks absent.

**17. Subject:** Approve the First Quarter Financial Report for Fiscal Year 2019-20

**Recommended Action:** 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2019-20 2. Adopt Resolution No. 19-139 approving First Quarter budget adjustments 3. Adopt Resolution No. 19-140 amending the Compensation Program for the Unrepresented (Management and Confidential) Employees

Written communications for this item included a presentation.

Director of Administrative Services Kristina Alfaro introduced the item and Finance Manager Zachary Korach reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin- rezoning Lehigh quarry, protecting sensitive environmental areas.

Mayor Scharf closed public comment.

Staff answered questions from Council.

Paul moved and Willey seconded to:

1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2019-20 2. Adopt Resolution No. 19-139 approving First Quarter budget adjustments 3. Adopt Resolution No. 19-140 amending the Compensation Program for the Unrepresented (Management and Confidential) Employees.

The motion carried with Sinks absent.

**ORAL COMMUNICATIONS - CONTINUED (As necessary)**

**COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Councilmembers highlighted the activities of their various community events.

Willey/Scharf concurred to agendaize a presentation by Cupertino High School seniors on Vallco

Willey/Paul concurred to agendaize a study session on Apple's bay area affordable housing projects.

## **ADJOURNMENT**

At 1:10 a.m. on Wednesday, November 20, Mayor Scharf adjourned the meeting.

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Kirsten Squarcia, Deputy City Clerk