



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, September 20, 2016**

**SPECIAL CITY COUNCIL MEETING**

**ROLL CALL**

At 4:00 p.m. Mayor Barry Chang called the Special City Council meeting to order in Cupertino City Hall Conference Room A, 10300 Torre Avenue.

Present: Mayor Barry Chang, Vice Mayor Savita Vaidhyathan, and Council members Darcy Paul, Rod Sinks and Gilbert Wong. Absent: None.

**COMMISSIONS INTERVIEWS**

1. Subject: Interview applicants to fill one unscheduled vacancy on the Public Safety Commission  
Recommended Action: Conduct interviews and appoint one person to serve a partial term ending January 30, 2018 on the Public Safety Commission After concluding the interviews, Council went into closed session and convened in open session at 6:45 p.m. in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue.

Council conducted interviews and appointed Hymanand Nellore to fill the unscheduled vacancy with term ending January 30, 2018.

**CLOSED SESSION**

2. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov't Code Section 54956.9 - Two Cases

Mayor Chang announced that on both cases Council gave direction.

3. Subject: Conference with Real Property Negotiators (Gov't 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 Chang announced that Council gave direction.

## **ADJOURNMENT**

### **REGULAR CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

At 6:50 p.m. Mayor Barry Chang convened the Regular City Council meeting in Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

## **ROLL CALL**

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

## **CEREMONIAL MATTERS AND PRESENTATIONS - None**

## **POSTPONEMENTS - None**

## **ORAL COMMUNICATIONS**

Val Vitols and Lila speaking on behalf of C.A.R.E. talked about World Wide Educators and showed a video regarding a concert to support the environment.

Art Cohen speaking on behalf of Bluelight Cinemas talked about the upcoming Fourth Annual Star Trek event on Nov 5 and 6.

Stanley Young representing Cupertino Employee's Association (CEA) IFPTE Local 21 talked about labor negotiations.

Mary Blanco, Business Agent for Operating Engineer's Local 3 (OE3) talked about labor negotiations.

Cupertino employee Gian Martire representing Cupertino Employee's Association (CEA) IFPTE Local 21 talked about labor negotiations.

Cupertino employee Jeff Greef representing Cupertino Employee's Association (CEA) IFPTE Local 21 talked about labor negotiations.

Linda Emin, Research Analyst for Cupertino Employee's Association (CEA) IFPTE Local 21 talked about labor negotiations.

## CONSENT CALENDAR

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

1. Subject: Approve the September 6 City Council minutes  
Recommended Action: Approve the minutes
2. Subject: Accept Accounts Payable for the period ending August 5, 2016  
Recommended Action: Adopt Resolution No. 16-099 accepting Accounts Payable for the period ending August 5, 2016
3. Subject: Accept Accounts Payable for the period ending August 12, 2016  
Recommended Action: Adopt Resolution No. 16-100 accepting Accounts Payable for the period ending August 12, 2016

## SECOND READING OF ORDINANCES

4. Subject: Development Agreement for a 122 room hotel, two mixed-use buildings with 188 apartments, and approximately 26,000 square feet of commercial space in a Planned General Commercial and Residential Zoning District. Application No(s): DA-2016-01; Applicant(s): Amy Chan (De Anza Venture, LLC); Location: 10122 Bandle Drive and 10145 De Anza Boulevard (Marina Plaza) APN# 326-34-043, 326-34-066  
Recommended Action: Conduct the second reading and enact Ordinance No. 16-2148 (development agreement DA-2016-01): an "Ordinance of the City Council of the City of Cupertino approving a Development Agreement by and among the City of Cupertino, Cupertino 10145, LLC, and Marina Plaza LLC, for the Marina Plaza project at 10122 Bandle Drive and 10145 North De Anza Boulevard"

Jennifer Griffin talked about her concern of losing large retail space in Cupertino.

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Sinks seconded to read Ordinance No. 16-2148 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Chang, Vaidhyathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

Wong moved and Sinks seconded to enact Ordinance No. 16-2148. Ayes: Chang, Vaidhyathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

## PUBLIC HEARINGS

5. Subject: Appeal of Kimberly Sandstrom Appeal Regarding Eligibility to Purchase Below Market Rate (BMR) Unit (Continued from September 6)  
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

Written communications for this item included a staff PowerPoint presentation.

Outside counsel Barbara Kautz and Celia Lee from Goldfarb and Lipman reviewed the staff report.

Appellant Kimberly Sandstrom reviewed her appeal via a PowerPoint presentation.

Wong moved and Paul seconded to continue this item to the next meeting. The motion carried unanimously.

6. Subject: Municipal Code Amendments to Chapter 1.10 (Administrative Citations, Fines, and Penalties), Chapter 19.08 (Definitions), Chapter 19.12 (Administration), Chapter 19.28 (Single-Family Residential (R-1) Zones), Chapter 19.32 (Residential Duplex (R-2) Zones), Chapter 19.56 (Density Bonus), and Chapter 19.104 (Signs) for language clarifications, compliance with State Law, and internal consistency. Application No(s): MCA-2016-01; Applicant(s): City of Cupertino; Location: citywide  
Recommended Action: Conduct the first reading of Ordinance No. 16-2149: "An ordinance of the City Council of the City of Cupertino amending Title 1, Chapter 1.10, to add Section 1.10.055, "Recording Notice of Violations"; amending Title 19, Chapter 19.08, Section 19.08.030 "Definitions", amending Chapter 19.12 Section 19.12.080 "Application Process" and Section 19.12.180 "Expiration, Extension and Revocation", amending Chapter 19.28 Section 19.28.120, "Landscape Requirements", amending Chapter 19.32 Section 19.32.010 "Purpose", repealing and replacing Chapter 19.56, "Density Bonus", and amending Chapter 19.104 to add Section 19.104.205, "Message

Substitution"; related to permits, procedures, and requirements of the code to conform to law, ensure internal consistency, and provide clarification"

Written communications for this item included information from the Planning Commission meeting of April 26, 2016 and a staff PowerPoint presentation.

Assistant Planner Gian Martire reviewed the staff report via a PowerPoint presentation.

Jennifer Griffin spoke on this item.

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Sinks seconded to read Ordinance No. 16-2149 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Chang, Vaidhyathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

7. Subject: Consider amendments to Chapter 19.124, Parking Regulations, of the Cupertino Municipal Code. The amendment includes allowing modifications and improvements to legal non-conforming single family garages. The proposed amendment will also include updates to the standards for bicycle parking and facilities consistent with the *City of Cupertino 2016 Bicycle Transportation Plan* adopted on June 21, 2016. Application No(s): MCA-2016-02; Applicant(s): City of Cupertino; Location: citywide

Recommended Action: Conduct the first reading of Ordinance No. 16-2150: "An Ordinance of the City Council of the City of Cupertino amending Title 19, Chapter 19.124 Section 19.124.030 "Regulations for Parking and Keeping Vehicles in Various Zones" and Section 19.124.040 "Regulations for Off-Street Parking", regarding legal non-conforming single-family garages, and making standards for bicycle parking and facilities consistent with the City of Cupertino 2016 Bicycle Transportation Plan"

Written communications for this item included a staff PowerPoint presentation.

Jennifer Griffin spoke on this item.

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Sinks seconded to read Ordinance No. 16-2150 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Chang, Vaidhyathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

Council recessed from 8:50 p.m. to 9:00 p.m.

## ORDINANCES AND ACTION ITEMS

8. Subject: Establishment of Friendship City Relationships

Recommended Action: Review and consider applications establishing Friendship City relationships with Nanjing, People's Republic of China; Changzhou, People's Republic of China; Chengdu, People's Republic of China; Hefei, People's Republic of China; Taipei, Republic of China; and Taizhou, People's Republic of China

Written communications for this item included emails to City Council, an application from HeFei and a staff PowerPoint presentation.

Assistant to the City Manager Jaqui Guzman reviewed the staff report.

Representatives from each city talked about their particular city.

The following individuals spoke on this item:

Dundee Maples

Michael Wen

Frank Hong

Beverly Hu

Wong moved and Sinks seconded to establish Friendship City relationships with Nanjing, People's Republic of China; Changzhou, People's Republic of China; Chengdu, People's Republic of China; Hefei, People's Republic of China; Taipei, Republic of China; and Taizhou, People's Republic of China. The motion carried unanimously.

Council recessed from 10:13 p.m. to 10:30 p.m.

9. Subject: Update on regional minimum wage efforts and introduction of Ordinance establishing a citywide minimum wage

Recommended Action: Receive an update on regional minimum wage efforts and conduct the first reading of Ordinance No. 16-2151: "An Ordinance of the City Council of the City of Cupertino to add Chapter 3.37 (Minimum Wage Ordinance) to Title 3 (Revenue and Finance) of the Cupertino Municipal Code to establish a citywide minimum wage"

Written communications for this item included emails and a letter to Council and a staff PowerPoint presentation.

Assistant to the City Manager Jaqui Guzman reviewed the staff report via a PowerPoint presentation.

The following individuals spoke on this item:

Art Cohen on behalf of Blue Light Cinemas

Sujatha Venkatraman on behalf of the clients of West Valley Community Services

Janice Chu on behalf of Bitter + Sweet

Anjali Kausar on behalf of the Cupertino Chamber of Commerce (distributed written comments)

Luis Buhler

Poncho Guevara on behalf of Sacred Heart Community Services

Amy Nyugen on behalf of Asian Law Alliance

Maria Noel Fernandez on behalf of Working Partnerships USA

Jessica Lynam on behalf of the Cupertino members of the California Restaurant Association

Patrick Kruk on behalf of Outback Steakhouse

Meghan Fraley on behalf of Raise the Wage South Bay and Peninsula Coalition

Marie Bernard on behalf of Emergency Assistance Network

City Clerk Grace Schmidt read the title of the ordinance.

Vaidhyanathan offered a friendly amendment to add a Learner's exemption and Wong didn't accept the friendly amendment.

Wong moved and Paul seconded to read Ordinance No. 16-2151 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Chang, Paul, Sinks and Wong. Noes: Vaidhyanathan. Abstain: None. Absent: None.

10. Subject: A moratorium on the establishment, expansion, or relocation of payday lending and check cashing businesses within the City of Cupertino  
Recommended Action: Enact Interim Urgency Ordinance No. 16-2152: "An Interim Urgency Ordinance of the City Council of the City of Cupertino establishing a moratorium on the establishment, expansion, or relocation of payday lending and

check cashing businesses within the City of Cupertino pending completion of an update to the City's Zoning Code"

Written communications for this item included letters to City Council.

The following individuals spoke on this item:

Sujatha Venkatraman on behalf of West Valley Community Services

Melissa Morris on behalf of Law Foundation of Silicon Valley

Liana Molina on behalf of California Reinvestment Coalition

Marie Bernard on behalf of Emergency Assistance Network

Maria Noel Fernandez on behalf of Working Partnerships USA

Amy Nguyen on behalf of Asian Law Alliance

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Vaidhyathan seconded to read Interim Urgency Ordinance No. 16-2152 by title only and that the City Clerk's reading would constitute the only reading thereof. Ayes: Chang, Vaidhyathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

Wong moved and Sinks seconded to enact Interim Urgency Ordinance No. 16-2152. Ayes: Chang, Vaidhyathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

11. Subject: Proposed Amendments to Policy and Procedures Manual for Administering Deed-Restricted Affordable Housing Units  
Recommended Action: Adopt Resolution No. 16-102 adopting the proposed amendments to the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units

Written communications for this item included a staff PowerPoint presentation.

Outside counsel Barbara Kautz from Goldfarb and Lipman reviewed the staff report.

Kai Brown on behalf of Cupertino Education Association spoke on this item.



Wong moved and Vaidhyanathan seconded to adopt Resolution No. 16-102 adopting the proposed amendments to the Policy and Procedures Manual for Administering Deed Restricted Affordable Housing Units.

Sinks offered a friendly amendment to include an extra point to the Public Employee Working in Cupertino category and Wong didn't accept the friendly amendment. The motion carried unanimously.

## REPORTS BY COUNCIL AND STAFF

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

City Manager David Brandt noted that the West Valley Mayors and Managers would select representatives for Valley Transportation Authority (VTA) in November and would send out applications next week.

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

## ADJOURNMENT

At 12:34 a.m. on Wednesday, September 21, Mayor Chang adjourned the meeting.

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Grace Schmidt, City Clerk

Staff reports, backup materials, and items distributed at the City Council meeting are available for review at the City Clerk's Office, 777-3223, and also on the Internet at [www.cupertino.org](http://www.cupertino.org). Click on Agendas & Minutes, then click on the appropriate Packet.

Most Council meetings are shown live on Comcast Channel 26 and AT&T U-verse Channel 99 and are available at your convenience at [www.cupertino.org](http://www.cupertino.org). Click on Agendas & Minutes, and then click Archived Webcast. Videotapes are available at the Cupertino Library, or may be purchased from the Cupertino City Channel, 777-2364.