



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 4, 2016

REGULAR CITY COUNCIL MEETING

ROLL CALL

At 6:00 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 Councilmembers Darcy Paul, Rod Sinks and Gilbert Wong. Absent: None.

CLOSED SESSION

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Manager; Appointed Employees Compensation Program

Mayor Chang reported that Council gave direction to staff.

Mayor Chang also reported out from closed sessions held on September 14 and 21.

Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Manager

Mayor Chang reported that Council gave direction to staff.

Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Attorney

Mayor Chang reported that Council gave direction to staff.

Subject: Conference with Labor Negotiators pursuant to Government Code Section 54957.6; Agency designated representatives: City Manager, Director of Administrative Services and Dania Torres Wong; Employee organizations: Operating Engineers Local No. 3 Union; Cupertino Employees' Association; Unrepresented (Management and Confidential) Employees' Compensation Program

Mayor Chang reported that Council gave direction to staff.

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 Councilmembers Darcy Paul, Rod Sinks and Gilbert Wong. Absent: None.

CEREMONIAL MATTERS AND PRESENTATIONS - None

POSTPONEMENTS

2. Subject: Continue Item No. 15 Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City; Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide to November 15. This item will be re-noticed

Recommended Action: Continue Item No. 15 Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City; Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide to November 15. This item will be re-noticed

Wong moved and Sinks seconded to continue Item No. 15 Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City; Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide to November 15. This item will be re-noticed. The motion carried unanimously.

ORAL COMMUNICATIONS - None

CONSENT CALENDAR

Wong moved and Sinks seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 6 and 7 which were pulled for discussion. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

3. Subject: Approve the September 20 City Council minutes
Recommended Action: Approve the September 20 City Council minutes
4. Subject: Cancel the January 3, 2017 City Council meeting
Recommended Action: Cancel the January 3, 2017 City Council meeting
5. Subject: Adoption of the 2016 Economic Development Strategic Plan - a policy document intended to guide the City's economic development activities over the next three to five years
Recommended Action: Adopt Resolution No. 16-103, "A Resolution of the City Council of the City of Cupertino adopting the 2016 Economic Development Strategic Plan (EDSP) in order to guide the City's Economic Development activities"
6. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Cupertino City Employees' Association (CEA)
Recommended Action: 1) Authorize staff to amend the Memorandum of Understanding (MOU) for the Cupertino City Employees' Association (CEA) based on the attached tentative agreements. 2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract

Cupertino employee Jeff Greef representing Cupertino Employee's Association (CEA) IFPTE Local 2 thanked Council regarding negotiations contract.

Cupertino employee Gian Martire representing Cupertino Employee's Association (CEA) IFPTE Local 2 thanked Council regarding negotiations contract.

Wong moved and Sinks seconded to 1) Authorize staff to amend the Memorandum of Understanding (MOU) for the Cupertino City Employees' Association (CEA) based on the attached tentative agreements; and 2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract. The motion carried unanimously.

7. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Unrepresented (Management and Confidential) Employees' Compensation Program
Recommended Action: 1) Adopt Resolution No. 16-104 amending the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Unrepresented (Management and Confidential) Employees' Compensation Program. 2) Authorize staff

to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the agreement

Written communications for this item included a clean and redline amended MOU.

Sinks moved and Wong seconded to approve the healthcare terms for medical and dental employment for the Unrepresented (Management and Confidential) Employees; and postponed to October 18 the compensation for the Appointed, Elected, and Unrepresented (Management and Confidential) Employees' to review equity and parity with the comparable cities, retroactive to October 1. The motion carried unanimously.

8. Subject: Approve the July 1, 2016 through June 30, 2019 terms and conditions of employment for the Operating Engineers Local Union No. 3, AFL-CIO (OE3)
Recommended Action: 1) Authorize staff to amend the Memorandum of Understanding (MOU) for the Operating Engineers Local Union No. 3, AFL-CIO (OE3). 2) Authorize staff to make the necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs associated with the negotiated contract.
9. Subject: Eighth Amendment to the Agreement between Santa Clara County and the City of Cupertino for Abatement of Weeds
Recommended Action: Adopt Resolution No. 16-105 authorizing the City Manager to execute the Eighth Amendment to the Agreement between Santa Clara County and the City of Cupertino for Abatement of Weeds
10. Subject: 2015 Contractual Crossing Guard Services - Project No. 2015-25, contract amendment
Recommended Action: Staff recommends Council authorize the City Manager to negotiate and execute an amendment (Attachment A) to the current crossing guard services contract to provide for contractor compensation of \$18.64/hr for the 2016/17 school year and \$20.61/hr for 2017/18 school year, if the City's Minimum Wage Ordinance is adopted

SECOND READING OF ORDINANCES

11. Subject: Second Reading of 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. Application No(s): MCA-2016-01; Applicant(s): City of Cupertino; Location: citywide

Recommended Action: Conduct the second 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 an email to Council.

Jennifer Griffin spoke on this item.

Grace Schmidt City Clerk 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 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. 16-2149. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

12. Subject: Second Reading of an Ordinance of the City Council of the City of Cupertino regarding legal non-conforming single-family garages, and standards for bicycle parking and facilities. Application No(s): MCA-2016-02; Applicant(s): City of Cupertino; Location: citywide
Recommended Action: Conduct the second 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

Jennifer Griffin spoke on this item.

Grace Schmidt City Clerk read the title of the ordinance.

Wong moved and Vaidhyanathan seconded to read Ordinance No. 16-2150 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 Sinks seconded to enact Ordinance No. 16-2150. Ayes: Chang, Vaidhyanathan, Paul, Sinks and Wong. Noes: None. Abstain: None. Absent: None.

13. Subject: Second reading of Ordinance No. 16-2151 establishing a citywide minimum wage.
Recommended Action: Conduct the second reading and enact 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 communication for this item included a clean and redline amended ordinance.

City Clerk Grace Schmidt read the title of the ordinance.

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

Wong moved and Sinks seconded to enact Ordinance No. 16-2151. Ayes: Chang, Paul, Sinks and Wong. Noes: Vaidhyanathan. Abstain: None. Absent: None.

PUBLIC HEARINGS

14. 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

The public hearing had already been closed at the September 20 meeting. Council asked questions from staff and deliberated.

Vaidhyanathan 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.

Paul offered a friendly amendment to continue the item to the first meeting in November. Vaidhyanathan accepted the friendly amendment. After further discussion, Vaidhyanathan withdrew her motion.

Wong moved and Vaidhyanathan seconded to continue 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 to November 1. The motion carried with Chang and Vaidhyanathan voting no.

15. Subject: Municipal Code Amendment to amend Chapter 8.07, Beekeeping, regarding the regulation, location, and the keeping of bees in the City. Application No(s): MCA-2016-03; Applicant(s): City of Cupertino; Location: Citywide has been continued to November 15 and will be re-noticed.

Recommended Action: Conduct the first reading of the draft ordinance: "An ordinance of the City Council of the City of Cupertino amending section 8.07 of the Cupertino Municipal Code relating to Beekeeping has been continued to November 15 and will be re-noticed

Under postponements, this item was continued to November 15 and will be re-noticed.

ORDINANCES AND ACTION ITEMS

16. Subject: Establishment of a Friendship City Relationship
Recommended Action: Review and consider an application establishing a Friendship City relationship with Taichung, Taiwan, Republic of China

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

Wong moved and Chang seconded to establish a Friendship City relationship with Taichung, Taiwan, Republic of China. The motion carried unanimously.

REPORTS BY COUNCIL AND STAFF

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

Council directed staff to agendize for October 18 a presentation by Cupertino Toyokawa Sister City Committee regarding the recent student delegation.

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

ADJOURNMENT

At 8:15 p.m., Mayor Chang adjourned the meeting.

Grace Schmidt, City Clerk