



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Wednesday, July 5, 2017**

SPECIAL CITY COUNCIL MEETING

At 5:30 p.m. Mayor Savita Vaidhyanathan called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

Present: Mayor Savita Vaidhyanathan, Vice Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks.

Council went into closed session and reconvened in open session at 6:22 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue for the Special Meeting of the Cupertino Public Facilities Corporation.

CLOSED SESSION

1. **Subject:** Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: APN 375-21-001, Lawrence Expressway at Mitty Avenue and APN 381-19-015, Lawrence Expressway at Doyle Road. Agency Negotiators: Jaqui Guzman and Gail Seeds. Negotiating Parties: San Jose Water Company; County Roads and Airports; City of San Jose. Under Negotiation: Price and terms of payment.

Mayor Vaidhyanathan announced that Council gave direction to staff.

REGULAR CITY COUNCIL MEETING

ROLL CALL

At 6:45 p.m. Mayor Savita Vaidhyanathan called the Regular City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

Present: Mayor Savita Vaidhyanathan, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks. Absent: Vice Mayor Darcy Paul.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation regarding the Fourth of July activities
Recommended Action: Receive the presentation

Written communications for this item included a staff presentation.

Director of Recreation and Community Services Jeff Milkes gave a presentation regarding the Fourth of July activities.

Council received the presentation.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Shaurya Shrivastava, on behalf of Rising International, gave a presentation regarding human trafficking and organizational programs for prevention and helping survivors.

Jennifer Griffin talked about the San Jose Urban Village project, including locations at Bollinger/Miller and De Anza/Prospect, and a San Jose vote postponement until August.

Sowmya Kolluru, on behalf of Sources for Success, gave a presentation regarding healthcare and rehabilitation of the homeless population and low income families.

Janet Van Zoeren, Housing Choices Coalition Cupertino Task Force founder, talked about advocating for affordable housing for people with developmental disabilities. (She distributed written comments).

Eswari Sure, on behalf of Housing Choices Coalition Cupertino Task Force, talked about advocating for affordable housing for people with developmental disabilities.

Jan Stokley, Housing Choices Coalition Cupertino Task Force Executive Director, talked about advocating for affordable housing for people with developmental disabilities.

CONSENT CALENDAR

Sinks moved and Chang seconded to approve the items on the Consent Calendar as presented except for item number 6 which was pulled for discussion. Ayes: Vaidhyathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None.

2. Subject: Approve the June 20 City Council minutes
Recommended Action: Approve the June 20 City Council minutes
3. Subject: Accept Accounts Payable for the period ending April 14, 2017
Recommended Action: Adopt Resolution No. 17-061 accepting Accounts Payable for the period ending April 14, 2017
4. Subject: Accept Accounts Payable for the period ending May 5, 2017
Recommended Action: Adopt Resolution No. 17-062 accepting Accounts Payable for the period ending May 5, 2017
5. Subject: Accept Accounts Payable for the period ending May 12, 2017
Recommended Action: Adopt Resolution No. 17-063 accepting Accounts Payable for the period ending May 12, 2017
6. Subject: Establishment of Friendship City Relationships
Recommended Action: Review and consider four (4) applications establishing Friendship City relationships with Haikou, People's Republic of China; Jilin, People's Republic of China; Guiyang, People's Republic of China; Naning, People's Republic of China; and Nantong, People's Republic of China

Written communications for this item included an updated staff report.

Staff answered questions from Council.

The following individuals spoke on this item:

Ming Ching (Naning)
Aijin Deng (Naning)
James Li (Nantong)
Susan Gu (Jilin)
Liang (Jilin)
Ming Shao (Haikou)
Colby (Haikou)
Student (Haikou)
Zhijie Liang

Chang moved and Paul seconded to establish Friendship City relationships with Haikou, People's Republic of China; Jilin, People's Republic of China; Naning, People's Republic of China; and Nantong, People's Republic of China. The motion carried unanimously.

7. Subject: Application for Alcohol Beverage License for Boiling Fish, Inc. (dba Boiling Fish), 19634 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Boiling Fish, Inc. (dba Boiling Fish), 19634 Stevens Creek Boulevard
8. Subject: Proposed Lease with AT&T Wireless for colocation on the existing cell tower located on the Civic Center Property (10300 Torre Avenue), subject to the terms of any previously issued City planning permits
Recommended Action: Staff recommends that Council adopt Resolution No. 17-064 to: 1. Authorize the City Manager to execute an Antenna Ground Lease between the City of Cupertino and New Cingular Wireless PCS, LLC (AT&T Wireless) for a term of up to five years, for colocation on the existing cell tower located on the Civic Center Property, in substantially the form as presented to Council, and subject to the terms of any City-issued permits; and 2. Authorize the City Manager to negotiate and execute up to two additional five year (5-year) options consistent with the terms of the Lease
9. Subject: Storm Drain Improvements - Foothill Blvd and Cupertino Road - Rebid authority to award contract
Recommended Action: Authorize the City Manager to award and execute the Storm Drain Improvements -Foothill Blvd and Cupertino Road - Rebid Project contract and authorize a construction contingency budget up to 10% of the project contract, if the lowest responsive bid is within the established budget and there are no unresolved bid protests
10. Subject: Award and execute a contract for the Varian and Monta Vista Parks Courts Resurfacing Project (Project No. 2017-13.02)
Recommended Action: 1. Authorize the City Manager to award and execute a construction contract for Varian and Monta Vista Parks Courts Resurfacing Project, if the lowest responsive bid is within the established budget and there are no unresolved bid protests; and 2. Authorize a construction contingency budget of up to 10% of the construction contract amount, to address unforeseen conditions during construction

11. Subject: Regnart Road Slope Stabilization Project, Project No. 2017-13
Recommended Action: Staff recommends that the Council adopt Resolution No 17-065 to: 1. Authorize the City Manager to award and execute a contract with Granite Rock Company, in the amount of \$357,418 and approve a construction contingency of \$71,500, for a total of \$428,918; and 2. Approve a budget adjustment in the amount of \$270,282 to the Transportation Fund 270-82-821 900-990

SECOND READING OF ORDINANCES

12. Subject: Second reading of an ordinance amending Title 16 Chapter 16.72 Sections 16.72.010, 16.72.020, 16.72.030, 16.72.040, 16.72.050, 16.72.060, and 16.72.070 of the Cupertino Municipal Code Regarding Recycling and Diversion Requirements for Construction and Demolition Waste
Recommended Action: Conduct the second reading and enact Ordinance No. 17-2164: "An Ordinance of the City Council of the City of Cupertino Amending Title 16 Chapter 16.72 Sections 16.72.010, 16.72.020, 16.72.030, 16.72.040, 16.72.050, 16.72.060, and 16.72.070 of the Cupertino Municipal Code Regarding Recycling and Diversion Requirements for Construction and Demolition Waste" to be consistent with the California Green Building Standards Code

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

Sinks moved and Chang seconded to read Ordinance No. 17-2164 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

13. Subject: Municipal Code Amendments to regulate the placement of storage containers and temporary fencing (Chapter 9.22 - Property Maintenance), size of signage notice boards for development (Chapter 19.12 - Administration), size of Accessory Dwelling Units (Chapter 19.112 - Accessory Dwelling Units in R-1, RHS, A and A-1 Zones), and including amendments to various other chapters of Title 19 - Zoning of the Municipal Code, including but not limited to, Chapter 19.08 (Definitions), Chapter 19.28 (Single-Family Residential (R-1) Zones), Chapter 19.40 (Residential Hillside (RHS) Zones), Chapter 19.60 (General Commercial (CG) Zones), and 19.116 (Conversions of Apartment Projects to

Common Interest Developments) for compliance with State Law, readability, clarifications, and internal consistency. Application No(s): MCA-2017-03, Applicant(s): City of Cupertino, Location: Citywide

Recommended Action: That the City Council: 1. Find that the proposed actions are exempt from CEQA; and 2. Conduct the first reading of Ordinance No. 17-2165: "An Ordinance of the City Council of the City of Cupertino amending Chapter 9.22, Property Maintenance, Chapter 19.12, Administration, Chapter 19.112, Accessory Dwelling Units In R-1, RHS, A and A-1 Zones, and Minor Amendments in Chapter 19.08, Definitions, Chapter 19.24, Agricultural (A) And Agricultural-Residential (A-1) Zones, Chapter 19.28, Single-Family Residential (R-1) Zones, Chapter 19.36, Multiple-Family Residential (R-3) Zones, Chapter 19.40, Residential Hillside (RHS) Zones, Chapter 19.60, General Commercial (CG) Zones, Chapter 19.64, Permitted, Conditional And Excluded Uses In Office And Industrial Zones And 19.116, Conversions Of Apartment Projects To Common Interest Developments"

Written communications for this item included a staff presentation.

Associate Planner Gian Martire reviewed the staff report.

Staff answered questions from Council.

Mayor Vaidhyanathan opened the public hearing and the following individuals spoke:

Jennifer Griffin

Mayor Vaidhyanathan closed the public hearing.

Sinks moved and Scharf seconded to add language for the second reading to allow storage containers for no more than 15 days on two separate non-contiguous occasions, up to a total of 30 days within in a 12-month period; consider adding language regarding allowing a storage container to be located outside the front and street side set back behind a conforming residential fence during permitted, continuous and active construction. Ayes: Vaidhyanathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None; and

Sinks moved and Vaidhyanathan seconded to find that the proposed actions are exempt from CEQA. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None; and

Sinks moved and Scharf seconded to accept the staff recommendation and amend

Chapter 19.12, Administration, regarding signage associated with development. Ayes: Vaidhyanathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None; and

Sinks moved and Chang seconded to amend Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 Zones and to accept the Planning Commission recommendation (May 23, 2017) and to establish a minimum size of 150 s.f. and a maximum allowable size of 10% of the net lot area, up to 1,000 s.f. Ayes: Vaidhyanathan, Paul, Chang, and Sinks. Noes: Scharf. Abstain: None. Absent: None; and

Sinks moved and Chang seconded to amend Chapter 9.22, Property Maintenance, to allow temporary fencing during permitted, active and ongoing construction only. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None; and

Sinks moved and Chang seconded to adopt the proposed amendments related to clarification and readability, including but not limited to, Chapter 9.22, Property Maintenance, Chapter 19.12, Administration, Chapter 19.40, Residential Hillside (RHS) Zones, and 19.116, Conversions of Apartment Projects to Common Interest Developments for clarification and readability. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

Sinks moved and Chang seconded to adopt the proposed amendments related to consistency in Title 19, including but not limited to, Minor Amendments in Chapter 19.08, Definitions, Chapter 19.24, Agricultural (A) And Agricultural-Residential (A-1) Zones, Chapter 19.24, Agricultural (A) And Agricultural-Residential (A-1) Zones, Chapter 19.28, Single-Family Residential (R-1) Zones, Chapter 19.36, Residential Hillside (RHS) Zones, Chapter 19.60, General Commercial (CG) Zones, Chapter 19.64, Permitted, Conditional And Excluded Uses In Office And Industrial Zones, and 19.116, Conversions of Apartment Projects to Common Interest Developments. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

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

Sinks moved and Chang seconded to read Ordinance No. 17-2165 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

ORDINANCES AND ACTION ITEMS

14. Subject: Designation of voting delegate and alternates for League of California Cities Annual Conference, September 13-15, Sacramento
Recommended Action: Designate a voting delegate and up to two alternates for League of California Cities Annual Conference, September 13-15, Sacramento

Sinks moved and Paul seconded to designate Mayor Vaidhyanathan as voting delegate and Councilmember Scharf as alternate for League of California Cities Annual Conference, September 13-15, Sacramento.

REPORTS BY COUNCIL AND STAFF

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

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

City Manager David Brandt reminded Council of the July 18 City Council meeting cancellation.

ADJOURNMENT

At 10:04 p.m., Mayor Vaidhyanathan adjourned the meeting.

Kirsten Squarcia, Deputy City Clerk