



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, April 17, 2018**

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:45 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 (left meeting at 10:30pm), Vice Mayor Rod Sinks, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyanathan (left meeting at 10:45pm). Absent: None.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation to the Tongxiang Friendship-city delegation
Recommended Action: Present Proclamation to the Tongxiang Friendship-city delegation

Mayor Paul presented the Proclamation to the Tongxiang Friendship-city delegation.

2. Subject: Proclamation to Councilmember Barry Chang and G-50 Conference volunteers
Recommended Action: Present Proclamation to Councilmember Barry Chang and G-50 Conference volunteers for coordinating the first G-50 Smart Cities conference held on April 6, 2018

Mayor Paul presented the Proclamation to Councilmember Barry Chang and G-50 Conference volunteers for coordinating the first G-50 Smart Cities conference held on April 6, 2018.

3. Subject: Presentation from De Anza College President Brian Murphy regarding the college strategic planning update

Recommended Action: Receive presentation from De Anza College President Brian Murphy regarding the college strategic planning update
Written communications for this item included a presentation.

Council received the presentation from De Anza College President Brian Murphy regarding the college strategic planning update.

4. Subject: Update regarding status of 2016 Bicycle Transportation Plan Implementation
Recommended Action: Receive update regarding status of 2016 Bicycle Transportation Plan Implementation

Written communications for this item included a staff presentation.

Transportation Manager David Stillman reviewed the staff report.

Staff answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Jennifer Griffin

Benaifer Dastoor (Cupertino resident)

Ilango Ganga (Cupertino resident)

Pam Hershey (Cupertino resident)

Larry Dean on behalf of Walk Bike Cupertino (Cupertino resident)

Mayor Paul closed public comment.

Council received the update regarding status of 2016 Bicycle Transportation Plan Implementation.

Council recessed from 8:05 p.m. to 8:13 p.m.

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Jennifer Griffin talked about SB35 and the Vallco Mall project charrettes.

Don Sun introduced the Mayor of Tongxiang on behalf of the delegation.

Janet Van Zoeren (Cupertino resident) speaking on behalf of Housing Choices Cupertino Task Force talked about the Vallco charrettes and affordable housing.

Ashok Aggarwal (Cupertino resident) speaking on behalf of Brahma Kumaris Silicon Valley talked about upcoming events.

Alex Witt (Cupertino resident) speaking on behalf of SWFT Blockchain talked about tokens in the digital economy.

Rhoda Fry (Cupertino resident) talked about air and water quality in Cupertino.

Pam Hershey (Cupertino resident) talked about SB35 and the Vallco Mall project.

Kitty Moore (Cupertino resident) talked about SB35 and the Vallco Mall project.

David Fung (Cupertino resident) talked about the Vallco Mall charrette process.

David Meyer (Mountain View resident) speaking on behalf of Silicon Valley At Home talked about the Vallco Mall charrette process.

Long Time Res (Cupertino resident) talked about the Vallco Mall charrette process.

Sujatha Venkatraman speaking on behalf of West Valley Community Services talked about affordable housing and the Vallco community engagement process.

Terry Griffin (Cupertino resident) talked about the Vallco Mall charrette process.

Jean Bedord (Cupertino resident) speaking on behalf of Connie Cunningham talked about the Vallco Mall charrette process.

Mayor Paul reordered the agenda to hear item number 16 next under Public Hearings.

PUBLIC HEARINGS

16. Subject: Development Permit, Use Permit, and Architectural and Site Approval applications for The Forum at Rancho San Antonio, a continuing care retirement community that currently exists on a 51.5-acre site. Application No(s): DP-2017-01 (EA-2017-01), ASA-2017-03, TR-2018-06; Applicant(s): Mary Elizabeth O'Connor (Rancho San Antonio Retirement Housing Corp); Location: 23500 Cristo Rey Drive, APN# 342-54-999

Recommended Action: Conduct the Public Hearing and: 1. Approve the Development Permit (DP-2017-01) and Environmental Analysis (EIR) (EA-2017-01); and Certify the final Environmental Impact Report pursuant to the California Environmental Quality Act, and adopt the mitigation monitoring and reporting program per Resolution No. 18-036; 2. Approve the Architectural and Site approval (ASA-2017-03) per Resolution No. 18-037; 3. Approve the Tree Removal Permit (TR-2018-06) to allow the removal and replacement of 25 protected trees per Resolution No. 18-038

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

Senior Planner Catarina Kidd reviewed the staff report.

Mary Elizabeth O'Connor, President of the Board of Directors of The Forum at Rancho San Antonio and applicant's consultant Eric Morley gave a presentation regarding the project.

Mr. Morley answered questions from Council.

Mayor Paul opened the public hearing and the following individuals spoke in support:

Peggy Jacquet (Cupertino resident)
Linda Starkey (Cupertino resident)
Dick Jacquet (Cupertino resident)
Harvey Dixon (Cupertino resident)
Edith Tousey (Cupertino resident)
Bonnie Stearns (Cupertino resident)
Fred Nichols (Cupertino resident)
Jean Kennedy (Cupertino resident)
Anne Moulds (Cupertino resident)
Lily Young (Cupertino resident)
Virginia Willcox (Cupertino resident)
Rhoda Fry - make sure buildings constructed in Cupertino are energy efficient
Jerry Fischbein (Cupertino resident)

Mayor Paul closed the public hearing.

Chang moved and Vaidhyanathan seconded to Approve the Development Permit (DP-2017-01) and Environmental Analysis (EIR) (EA-2017-01); and Certify the final Environmental Impact Report pursuant to the California Environmental Quality Act, and adopt the mitigation monitoring and reporting program per Resolution No. 18-036; 2. Approve the Architectural and Site approval (ASA-2017-03) per Resolution No. 18-037; 3.

Approve the Tree Removal Permit (TR-2018-06) to allow the removal and replacement of 28 protected trees per Resolution No. 18-038 as amended. The motion carried unanimously.

Council recessed from 9:35 p.m. to 9:40 p.m.

Agenda items continued in order.

CONSENT CALENDAR

Vaidhyanathan moved and Sinks seconded to approve the items on the Consent Calendar as presented, item number 5 as amended, and the exception of item numbers 11 and 13 which were pulled for discussion. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the April 3 City Council minutes
Recommended Action: Approve the April 3 City Council minutes

Written communications for this item included a correction to page 3.

6. Subject: Accept Accounts Payable for the period ending March 23, 2018
Recommended Action: Adopt Resolution No. 18-031 accepting Accounts Payable for the period ending March 23, 2018
7. Subject: Accept Accounts Payable for the period ending March 30, 2018
Recommended Action: Adopt Resolution No. 18-032 accepting Accounts Payable for the period ending March 30, 2018
8. Subject: Approve Treasurer's Investment Report for the Quarter Ending March 2018
Recommended Action: Accept the report

Written communications for this item included an amended page to Attachment A.

9. Subject: Approve resolution amending the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of October 1, 2016 to June 30, 2019, to include side letters regarding Assembly Bill 119 and the establishment of a Labor Management Committee.
Recommended Action: Adopt Resolution No. 18-033 amending the Memorandum of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA), for the period of October 1, 2016 to June 30, 2019, to include side letters regarding

Assembly Bill 119, Government Code Section 3555-3559; and the establishment of a Labor Management Committee.

Written communications for this item included an amended staff report and resolution.

10. Subject: Wayfinding Signage Program for Local Wineries
Recommended Action: Approve the signage program for the Cupertino segment of the Santa Cruz Mountains Winegrowers Wine Trail
11. Subject: Resolution adopting a Complete Streets Policy to further the goals of meeting the safety, access, and mobility needs of all users of the roadways
Recommended Action: Adopt Resolution No. 18-034, adopting a Complete Streets Policy to further the goals of meeting the safety, access, and mobility needs of all users of the roadways

Jennifer Griffin spoke on this item.

Staff answered questions from Council.

Vaidhyanathan moved and Sinks seconded to adopt Resolution No. 18-034, adopting a Complete Streets Policy to further the goals of meeting the safety, access, and mobility needs of all users of the roadways. The motion carried unanimously.

12. Subject: Approval of two separate Master Agreements between the City of Cupertino and the Gilbane Building Company and between the City of Cupertino and CSG Consultants, Inc. to provide construction management services on various Capital Improvement Projects
Recommended Action: a. Authorize the City Manager to execute a Master Agreement between the City of Cupertino and the Gilbane Building Company in the amount not to exceed \$500,000 for a term of approximately two years; and b. Authorize the City Manager to execute a Master Agreement between the City of Cupertino and CSG Consultants, Inc. in the amount not to exceed \$500,000 for a term of approximately two years

Vice Mayor Sinks recused himself from voting on item number 13 and left the dais.

13. Subject: Cupertino Bikeway Project - Acceptance of outside funding, authorization of funding agreement, and appropriation of funds
Recommended Action: 1. Authorize acceptance of a \$138,359 Transportation Fund for Clean Air (TFCA) grant and authorize the City Manager to execute a funding agreement with the Bay Area Air Quality Management District (BAAQMD). 2. Amend approved FY 17/18

Capital Improvement Program Budget by an additional amount of \$138,359 for TFCA project budget.

Jennifer Griffin spoke on this item.

Staff answered questions from Council.

Chang moved and Vaidhyanathan seconded to 1. Authorize acceptance of a \$138,359 Transportation Fund for Clean Air (TFCA) grant and authorize the City Manager to execute a funding agreement with the Bay Area Air Quality Management District (BAAQMD). 2. Amend approved FY 17/18 Capital Improvement Program Budget by an additional amount of \$138,359 for TFCA project budget. The motion carried unanimously with Sinks recusing.

Vice Mayor Sinks returned to the dais.

SECOND READING OF ORDINANCES

14. Subject: Amend Cupertino Municipal Code Chapter 2.48 to codify design approval authority for public improvements and update the organizational structure of the Department of Public Works
Recommended Action: a. Conduct the second reading of Ordinance No. 18-2173: "An Ordinance of the City Council of the City of Cupertino Amending Section 2.48. of Title II of the Cupertino Municipal Code Pertaining to the Approval of Plans and Designs for Public Improvements and Updating the Organizational Structure of the Department of Public Works"; and b. enact the ordinance. The first reading was conducted on April 3

City Clerk Grace Schmidt read the title of the ordinance.

Chang moved and Sinks seconded to read Ordinance No. 18-2173 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.

Chang moved and Sinks seconded to enact Ordinance No. 18-2173. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

15. Subject: FY 2018-19 Community Development Block Grant (CDBG) Program, Below Market Rate (BMR) Affordable Housing Fund (AHF), and General Fund Human Service Grants (HSG) Program funding allocations

Recommended Action: 1. Adopt Resolution No. 18-035 approving the FY 2018-19 CDBG, BMR AHF, and HSG funding allocations; 2. Set an annual limit of \$50,000 for the BMR AHF public service fund starting in FY 2018-19; 3. Increase the General Fund allocation towards the HSG fund from \$40,000 to an annual amount of \$100,000 starting in FY 2018-19 4. Authorize the City Manager to negotiate and execute FY 2018-19 CDBG, BMR AHF, and HSG grant agreements.

Written communications for this item included a staff presentation.

Senior Housing Planner Kerri Heusler reviewed the staff report.

Mayor Paul opened the public hearing and seeing no speakers closed the public hearing.

Sinks moved and Chang seconded to adopt Resolution No. 18-035 approving the FY 2018-19 CDBG, BMR AHF, and HSG funding allocations; 2. Set an annual limit of \$50,000 for the BMR AHF public service fund starting in FY 2018-19; 3. Increase the General Fund allocation towards the HSG fund from \$40,000 to an annual amount of \$100,000 starting in FY 2018-19 4. Authorize the City Manager to negotiate and execute FY 2018-19 CDBG, BMR AHF, and HSG grant agreements. The motion carried unanimously.

17. Subject: Fiscal Year 2018-19 Fee Schedule

Recommended Action: Adopt Resolution No. 18-039 approving the FY2018-19 Fee Schedule

Written communications for this item included a staff presentation.

Finance Manager Zach Korach reviewed the staff report.

Written communications for this item included a staff presentation.

Staff answered questions from Council.

Mayor Paul left the meeting at 10:30 p.m. and Vice Mayor Sinks took over as Chair.

Vice Mayor Sinks opened the public hearing and the following individuals spoke:

Liana Crabtree (Cupertino resident)

Art Cohen (Cupertino resident) speaking on behalf of Cupertino Library Foundation

Jean Bedord (Cupertino resident)

Vice Mayor Sinks closed the public hearing.

Vaidhyanathan moved and Chang seconded to adopt Resolution No. 18-039 approving the FY2018-19 Fee Schedule with an amendment on page 3 of Schedule E – Recreation to change the word “may” to “will” in the sentence regarding the Cupertino Library. The sentence will read: “Cupertino Library: Will be approved for a select number of uses of Community Hall without fee, based on approval from the Recreation and Community Services Department Director. The Library is exempt from the provision of deposits relating to the use of Community Hall”; and bring the item regarding Library use of Community Hall back to Council with recommendation from the Parks and Recreation and Library Commissions. The motion carried unanimously with Scharf voting no and Paul absent.

Councilmember Vaidhyanathan recused herself from voting on item number 18 and left the meeting.

ORDINANCES AND ACTION ITEMS

18. Subject: State Route 85 Transit Guideway Study
Recommended Action: Receive report on State Route (SR) 85 Transit Guideway Study and authorize the Mayor to send a letter to the Valley Transportation Authority (VTA) requesting advance funding for Task 2 and Task 3
Written communications for this item included an email to Council.

Deputy City Manager Jaqui Guzman reviewed the staff report.

Vice Mayor Sinks opened public comment and the following individual spoke:

Jennifer Griffin

Vice Mayor Sinks closed public comment.

Chang moved and Scharf seconded to receive report on State Route (SR) 85 Transit Guideway Study and authorize the Mayor to send a letter to the Valley Transportation Authority (VTA) requesting advance funding for Task 2 and Task 3. The motion carried unanimously with Paul absent and Vaidhyanathan recusing.

REPORTS BY COUNCIL AND STAFF

19. 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.

ADJOURNMENT

At 11:07 p.m., Vice Mayor Sinks adjourned the meeting.

Grace Schmidt, City Clerk