



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, May 7, 2019

SPECIAL CITY COUNCIL MEETING

At 5:30 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 for an application by AT&T to locate a personal wireless service facility consisting of 16 panel antennas mounted on an 80 foot tall treepole, a base equipment station, and an emergency power generator at the Cupertino Sports Center located at 21111 Stevens Creek Boulevard.

Recommended Action: Provide comments on AT&T's proposed personal wireless facility, and, during the Study Session, facilitate a community engagement forum where residents can comment on and receive additional information on the project.

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

Associate Planner Gian Martire reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Nori (distributed written comments)

Fariba

Caryl Gorska (Cupertino resident)

Delores Carson (Cupertino resident)

Allen Kay (Cupertino resident)

Mayor Scharf closed public comment.

The Applicant responded to Council questions and further talked about his application.

Council comments included (please watch meeting video for complete comments):

Willey: Should have more control so needs to come back to Council for any changes; 500 feet not sufficient for notification; would like more community engagement between now and when comes back to Council; De Anza College the proper place for this antenna and pursue this aspect more to be best for the community.

Paul: Add provisions or language in the contract to make sure that the proposed location and visual is what Council approves; keep Council apprised of this type of application and would like notification and input to go forward or not with this application as it has taken so long; staff could have done some own studies via peer review in the interim period; need additional outreach including social media.

Scharf: Map misleading as capacity and not coverage issue; Sports Center may be rebuilt in future and tower might have to be removed; tower should be close to Stevens Creek Blvd.; need more outreach to De Anza College and no response is not acceptable; look into co-location on large tower in Memorial Park.

Chao: Need to regulate cell towers better; 500 feet noticing not enough for cell towers and 300 feet not enough for small cell site noticing; bring item to Council for discussion on noticing these types of projects; should have been considered a new application since has changed since four years ago; possible revision of Municipal Code that if application is open for too long then would have to start over; explore De Anza College location and communicate with right person.

Sinks: Residents appreciate fast internet; might be possible to accomplish objectives with small cell sites; would like to see Cupertino be a leader in technology like 5G; overall supportive of better service in general across the City; know that public safety officials like Sheriff and Fire are reliant on the towers for cell coverage; either more capacity or strength okay; would like De Anza College to respond; concerned that cities aren't moving to improve their facilities and that the State might get more involved and take over local control; increase capacity and adequate coverage.

Council concurred to direct staff to reach out to De Anza College regarding locating the cell tower there and continue to work with the applicant who noted willingness to extend the tolling agreement on an as needed basis.

ADJOURNMENT

Council recessed from 6:37 p.m. to 6:50 p.m. before the Regular Meeting.

REGULAR CITY COUNCIL MEETING**PLEDGE OF ALLEGIANCE**

At 6:45 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.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: <hack> Cupertino Winner Proclamations and brief presentations
Recommended Action: Accept brief presentations and present proclamations to <hack> Cupertino winners: 1st place: The Right Price app (Daniel Duan, Vincent Lim, Deepak Ramalingam) 2nd place: Tino Walks (Kyle Lin) 3rd place: FaceAttend (Vidit Agrawal, Siddhant Kumar)

Council accepted the presentations from the <hack> winners and Mayor Scharf presented proclamations to the winners.

2. Subject: Presentation by Cupertino-Hsinchu Sister City Association (CHSCA) regarding its recent Cupertino Student Delegation trip to Hsinchu City, Taiwan
Recommended Action: Receive presentation by Cupertino-Hsinchu Sister City Association (CHSCA) regarding its recent Cupertino Student Delegation trip to Hsinchu City, Taiwan

A slideshow was presented of the recent Cupertino Student Delegation trip to Hsinchu City, Taiwan.

An adult chaperone and student talked about their experience on the trip.

Council received the presentation by Cupertino-Hsinchu Sister City Association (CHSCA) regarding its recent Cupertino Student Delegation trip to Hsinchu City, Taiwan.

3. Subject: Proclamation for Public Works Week, May 19-25, 2019
Recommended Action: Present proclamation for Public Works Week, May 19-25, 2019

Mayor Scharf presented a proclamation to staff for Public Works Week, May 19-25, 2019.

4. Subject: Proclamations for Public Works employees Karl Olsen and Curtis Bloomquist
Recommended Action: Present proclamations for Public Works employees Karl Olsen and Curtis Bloomquist

Mayor Scharf presented proclamations to Public Works employees Karl Olsen and Curtis Bloomquist.

POSTPONEMENTS - None

ORAL COMMUNICATIONS

Karen Chang (Cupertino resident) talked about the Verizon cell tower at Jollyman Park.

Henry Chang (Cupertino resident) talked about the Verizon cell tower at Jollyman Park.

Resident - Huang Family (Cupertino resident) talked about a fair hearing regarding abatement issues at her residence.

Seema Lindshog (Cupertino resident) talked about Regnart Library Trail.

Joel Wolf (Cupertino resident) talked about Regnart Library Trail.

Jane Shen (Cupertino resident) talked about the Verizon cell tower at Jollyman Park.

Heather Dean (Cupertino resident) talked about the length of City Council meetings.

Vipul Shah (Cupertino resident) talked about the Verizon cell tower at Jollyman Park.

Linda Wyckoff (Cupertino resident) talked about Regnart Creek Trail.

Suraj Dalvi (Cupertino resident) talked about Regnart Creek Trail.

Tony Alexander (Cupertino resident) talked about the Verizon cell tower at Jollyman Park.

Ilango Ganga (Cupertino resident) talked about Regnart Creek Trail.

Lisa Warren talked about needing more comprehensive meeting minutes, Magical Bridge at Creekside Park, and the De Anza College Flint Center possible closure.

Benaifer Dastoor (Cupertino resident) talked about cost of the Library expansion vs. Regnart Creek Trail and other proposed City projects.

Liji (Cupertino resident) donated time to Benaifer Dastoor.

CONSENT CALENDAR

Consent Calendar item numbers 5, 6, and 7 were pulled for discussion.

5. Subject: Approve the April 16 City Council minutes
Recommended Action: Approve the April 16 City Council minutes

Vice Mayor Chao noted that the Economic Development Strategic Plan (EDSP) study session draft minutes didn't capture Council consensus and some items didn't make sense.

Council concurred to have staff listen to the tape regarding the EDSP study session, modify the minutes, and bring them back to a future meeting.

6. Subject: Reimbursement of up to \$1,750 in travel expenses for travel to Copertino, Italy, by the Mayor to join the adult delegation to Copertino Sister City in September 2019.
Recommended Action: Approve reimbursement of up to \$1,750 in travel expenses for travel to Copertino, Italy, by the Mayor to join the adult delegation to Copertino Sister City in September 2019.

Written communications for this item included emails to Council.

Council discussed this item and noted the Sister City policy on Council travel. Councilmember Paul asked to have staff look at the travel and conference policy for staff as well.

Paul moved and Willey seconded to approve reimbursement of up to \$1,750 in travel expenses for travel to Copertino, Italy, by the Mayor to join the adult delegation to Copertino Sister City in September 2019. The motion carried with Sinks voting no.

7. Subject: Resolution supporting State implementation of the Buy Clean California Act of 2017
Recommended Action: Adopt Resolution No. 19-040 supporting State implementation of the Buy Clean California Act of 2017

Written communications for this item included emails to Council.

Mayor Scharf opened public comment and the following individual spoke:

Molly Culton (Sacramento resident) on behalf of the Sierra Club.

Mayor Scharf closed public comment.

Sinks moved and Scharf seconded to adopt Resolution No. 19-040 supporting State implementation of the Buy Clean California Act of 2017 with an amendment to add language regarding encouraging legislative efforts to add cement manufacturing as a greenhouse gas emitter. The motion carried unanimously.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

8. Subject: Conduct a public hearing and consider public comments on and written protests of the proposed 2019 Clean Water and Storm Protection Fee; tabulate protests and consider adopting a Resolution stating whether a majority protest exists and, if not, direct a property owner ballot proceeding for the proposed 2019 Clean Water and Storm Protection Fee, a property related fee conforming to Article XIII D, Section 6 of the California Constitution.
Recommended Action: 1. Conduct a public hearing and receive input and consider all protests of property owners related to the proposed 2019 Clean Water and Storm Protection Fee; and 2. Tabulate protests to determine if a majority protest exists; and 3. If a majority protest is found not to exist, adopt Resolution No. 19-041 stating that a majority protest does not exist and directing the City to conduct a ballot proceeding for the proposed 2019 Clean Water and Storm Protection Fee, a property-related fee conforming to Article XIII D, Section 6 of the California Constitution; and 4. Conduct the first reading of Ordinance No. 19-2183: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 3.38 of the Municipal Code to Establish the Clean Water and Storm Protection Fee," an ordinance that is subject to property owner approval through a ballot proceeding; and 5. Direct staff to place on a future Council agenda an amendment of the Joint Use Agreement with Cupertino Unified School District to establish cost sharing of the new Clean Water fees for applicable

schools at which the City maintains joint use sport fields if the ballot measure is affirmed on July 16th.

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

Mayor Scharf introduced the item and explained how the public hearing would proceed.

Acting Director of Public Works Roger Lee reviewed the presentation and noted a revision to the ordinance, Section 3.38.040 D to read, "The City Council shall not be required to enact a CPI increase each year."

Consultants Susan Barnes and Jerry Bradshaw answered questions from Council regarding the mail ballot and parcel fee.

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

Brent Bardsley (Cupertino resident)

Peggy Griffin (Cupertino resident)

Mark Z

Luis Buhler (Cupertino resident)

Mayor Scharf closed the public hearing.

City Clerk Grace Schmidt noted that 16,602 parcels are affected by the proposed Stormwater Fee and that in order to achieve a majority protest, 8,302 protests would be required. She noted that after considering the protests submitted prior to the public hearing plus the protests submitted at the public hearing, there were a total of 25 protests (0.15%). There was not a majority of protests and Council could consider the ballot resolution and fee ordinance.

Paul moved and Sinks seconded to adopt Resolution No. 19-041 stating that a majority protest does not exist and directing the City to conduct a ballot proceeding for the proposed 2019 Clean Water and Storm Protection Fee, a property-related fee conforming to Article XIII D, Section 6 of the California Constitution. The motion carried unanimously.

City Clerk Grace Schmidt read the title of Ordinance No. 19-2183: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 3.38 of the Municipal Code to Establish the Clean Water and Storm Protection Fee.

Paul moved and Scharf seconded to read Ordinance No. 19-2183 by title only and that the

City Clerk's reading would constitute the first reading thereof with the amendment to 3.38.040 paragraph D and direction to staff to investigate ways to offset the fee for low income residents. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

Paul moved and Willey seconded to direct staff to place on a future Council agenda an amendment of the Joint Use Agreement with Cupertino Unified School District to establish cost sharing of the new Clean Water fees for applicable schools at which the City maintains joint use sport fields if the ballot measure is affirmed on July 16th. The motion carried unanimously.

Council recessed from 9:55 p.m. to 10:05 p.m.

ORDINANCES AND ACTION ITEMS

9. Subject: Options regarding three referendum petitions challenging approvals related to the Vallco Town Center Specific Plan: Resolution No. 18-085 (General Plan Amendment for Vallco Town Center), Resolution No. 18-086 (Vallco Town Center Specific Plan), and Ordinance No. 18-2179 (Development Agreement for Vallco Town Center)

Recommended Action: As required by California Elections Code Section 9241, the City Council must choose one of the following options for each of the referendum petitions: Repeal the resolution(s) and/or ordinance in their entirety; or submit the resolution(s) and/or ordinance to the voters, either at the next regular municipal election (November 3, 2020) or at a special election called for that purpose on a date determined by the Council, but occurring at least 88 days after the order calling the election (i.e., not before July 16, 2019 if action is taken on May 7, 2019): a.)Resolution No. 19-042 repealing Resolution No. 18-085 b.)Resolution No. 19-043 submitting Resolution No. 18-085 to Nov. '20 regular election c.)Resolution No. 19-044 repealing Resolution No. 18-086 d.)Resolution No. 19-045 submitting Resolution No. 18-086 to Nov. '20 regular election e.)Resolution No. 19-046 repealing Ordinance No. 18-2179 f.)Resolution No. 19-047 submitting Ordinance No. 18-2179 to Nov. '20 regular election

Written communications for this item included emails to Council.

City Clerk Grace Schmidt introduced the item and Perl Perlmutter from the City Attorney's Office reviewed the staff report.

Mayor Scharf opened public comment and the following individuals spoke:

Jean Bedord (Cupertino resident) - distributed written comments
Geoff Paulsen (Cupertino resident)
J.R. Fruen (Cupertino resident)
Marie Liu (Cupertino resident) on behalf of Cupertino For All
Janet Van Zoeren
Jennifer Griffin
Ignatius Y. Ding (Cupertino resident)
Muni Madhhipatla (Cupertino resident)
Balaji (Cupertino resident)
Vinod Balakrishnan (Cupertino resident)
Michael Mar (Cupertino resident)
Minna (Cupertino resident)
High Cup Res (Cupertino resident)
Danessa Techmanski (Cupertino resident)
Lisa Warren
Liana Crabtree (Cupertino resident)
Ilango Ganga (Cupertino resident)

Mayor Scharf closed public comment.

Scharf moved and Willey seconded to adopt Resolution No. 19-042 repealing Resolution No. 18-085. The motion carried with Sinks voting no.

Scharf moved and Willey seconded to adopt Resolution No. 19-044 repealing Resolution No. 18-086. The motion carried with Sinks voting no.

City Clerk Grace Schmidt read the title of Ordinance No. 19-2184: "An Ordinance of the City Council of the City of Cupertino repealing Ordinance No. 18-2179 which approved a Development agreement by and between the City of Cupertino and Vallco Property Owner LLC for the development of Vallco Town Center."

Scharf moved and Chao seconded to read Ordinance No. 19-2184 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Scharf, Chao, Paul, and Willey. Noes: Sinks. Abstain: None. Absent: None.

Council directed staff to find out what would be required to repeal the other two ordinances as well and add to a future agenda a community process for future development.

10. Subject: Reject all bids received for the Bike Boulevard Improvements Phase 1 Project (Project No. 2017-01.05)

Recommended Action: 1. Receive report on bids for the Bike Boulevard Improvements Phase 1 Project; and 2. Authorize the Director of Public Works to reject all bids for the Bike Boulevard Improvements Phase 1 Project

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

Acting Director of Public Works Roger Lee reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin

Peggy Griffin

Beth Knodel (Cupertino resident)

Mayor Scharf closed public comment.

Scharf moved and Sinks seconded to receive the report on bids for the Bike Boulevard Improvements Phase 1 Project and authorized the Director of Public Works to reject all bids for the Bike Boulevard Improvements Phase 1 Project with additional input that pop up bollards may be utilized in other phases of the Bike Boulevard Improvement Project and that upon staff observing the effectiveness of these pop up improvements, a follow up project to make the improvements permanent with concrete would be brought to Council at a later date. The motion carried unanimously.

11. Subject: A Resolution of the Council of the City of Cupertino to support the development of (1) A Complete Streets and Near Term Transit Implementation Plan for the Stevens Creek Boulevard corridor as described in the scope of work prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the Cities of Santa Clara and San Jose; and (2) High Capacity Transit Service Along the Stevens Creek Boulevard corridor; and authorizes the City Manager to assess resources needed to develop these projects.

Recommended Action: Adopt Resolution No. 19-048 supporting the development of (1) A Complete Streets and Near Term Transit Implementation Plan for the Stevens Creek Boulevard corridor as described in the scope of work prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the Cities of Santa Clara and San Jose; and (2) High Capacity Transit Service Along the Stevens Creek Boulevard corridor; and authorizes the City Manager to assess resources to develop these projects.

Written communications for this item included a presentation, emails to Council, and a draft resolution from the City of San Jose distributed by Councilmember Paul.

Senior Transit and Transportation Planner Chris Corrao reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin
Kitty Moore

Mayor Scharf closed public comment.

Paul moved and Sinks seconded to form a subcommittee with the two of them and staff to modify the resolution based on Council and public comments and to come back to Council. The motion carried unanimously.

REPORTS BY COUNCIL AND STAFF

12. Subject: Annual Report on the Pavement Management Program
Recommended Action: Receive the report. No action is required.

Written communications for this item included a presentation.

Acting Director of Public Works Roger Lee reviewed the presentation.

Council received the Annual Report on the Pavement Management Program.

13. 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.

Councilmember requests:

Agendize an update regarding the VTA Highway 85 Policy Advisory Board upcoming decisions (Sinks/Scharf).

Bring information back regarding transcription of meeting minutes (Scharf/Chao/Paul).

ADJOURNMENT

At 1:15 a.m. on Wednesday, May 8, Mayor Scharf adjourned the meeting.

Grace Schmidt, City Clerk