



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, April 16, 2019

**SPECIAL CITY COUNCIL MEETING**

At 5:00 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 (5:15 p.m.), Rod Sinks, and Jon Robert Willey (5:35 p.m.). Absent: None.

**STUDY SESSION**

1. Subject: Study Session regarding Economic Development Strategic Plan (EDSP) Review and Implementation Action Items related to possible amendments to the Municipal Code related to Mobile Vendors, allowing Incubator/Co-working uses in General Commercial zoning districts, and an Innovation District Vision Plan in the Bubb Road Special Area  
Recommended Action: Review EDSP and provide direction on regulations regarding Mobile Vendors and Incubator/Co-working Space; and provide direction on possible Innovation District Vision Plan Review EDSP; and provide direction on regulations regarding Mobile Vendors and Incubator/Co-working Space; and provide direction on possible Innovation District Vision Plan

Written communications for this item included emails to Council, a staff presentation, and EDSP background draft report.

Economic Development Manager Angela Tsui and Director of Urban Design Consultant Tom Ford from M-Group reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Cathy Helgersen (Cupertino resident)

Peggy Griffin (Cupertino resident)

Mayor Scharf closed public comment.

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

Scharf: Concerned about mobile food trucks taking business away from restaurants who are paying high lease rates and struggling to get customers; would not like to see food trucks on a daily basis except for special events; would not like to take retail and convert to industrial; look into new office space or housing on Bubb Rd. if buildings are vacated by Apple; would like to see Bubb Rd. redeveloped and could build higher since up against Highway 85; small businesses need to go where the lease rates are lower.

Chao: If give developers density in exchange for lower rate, should do the same for retail; look at ways to incentivize property owners to give lower rental rate for businesses; what uses are allowed only in light industrial areas and what businesses would be lost with this zoning type; focus on how to attract more businesses that fit in light industrial vs. considering something that's not there so can diversify businesses in Cupertino; need space for mid-size businesses that generate significant sales-tax revenue to study rather than small businesses; need ordinance to regulate mobile vendors; Planning Department, who has expertise in zoning, should be in charge of ordinances for any kind of zoning change, and mobile vendor ordinance in consultation with the Economic Development Committee; send these zoning changes through the Planning Commission first; EDC should figure out why retail sales are going down and where people are spending money and provide that information to the local businesses; need to strengthen industrial zoning and need better enforcement; definitely need what's currently in the strategy plan to develop design standards for retail space in mixed-use development; need to figure out what kind of retail design would be successful in mixed-use environment and focus on this.

Sinks: Concern that have no mechanism to make sure space is used for small businesses and won't get changed over in a flip of usage; supportive generally of mobile vendors; diversify business without allowing them to get swallowed up like what happened at Main St.

Paul: Need to figure out ways to encourage retail growth and have a better diversity of selections available; concern that if don't execute incubator space then it becomes a slow or mid-range conversion into office; does the City have the will to deliver and sustain incubator space; how do we outreach to ensure space is utilized as such; regarding food trucks, comply with SB946 but prefer a baseline that preserves all rights as a jurisdiction and become more open and lenient from that baseline; have members of the public communicate where they want the food trucks; regarding Bubb Rd. should wait for incoming Community Development Director to give recommendations; lack of

enforcement on compliance in making sure business doesn't convert to something else; define what we would like space to become on Bubba Rd. and the area could use modernization and less height restrictions; look at office and residential along Bubba Rd.; don't want to lose small town feel but not light industrial all the way through; new CDD Director should look at policy setting, enforcement, and execution.

Wiley: Would like a list of what is considered light industrial and services that would benefit the residents such as solar installation, recycling, school services, etc.; keep those services close to where the residents are to make a complete community and not just all business and become too sterile of an environment.

Staff will follow-up on all items as noted in Council comments including:

Mobile Vendors Regulations: Present draft ordinance to Planning Commission. Consider specifying allowed areas, limiting the number of approved permits, enforcement, and penalties.

Incubator/Co-working Space Use: Research and return with more information on the breakdown of office users and square footage. Confirm which office users are at Main Street. Identify which Cupertino businesses are significant sales tax producers and confirm office space occupied and/or needed. Consider enforceable criteria to prevent change of use from incubator/co-working space to traditional office. Return to Council prior to further policy development.

Innovation District Vision Plan: Confirm what uses are allowed in Light Industrial zoning. Identify which type of services benefit residents and work to protect those uses (e.g., auto services and repairs, solar, etc.). Wait for new CDD Director to provide guidance and recommendations. Return to Council prior to further policy development.

## **ADJOURNMENT**

Council recessed from 6:25 p.m. to 6:45 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.

Mayor Scharf introduced incoming City Manager Deborah Feng who said a few words.

**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamation to Allan Gontang, Office of Emergency Services (OES) volunteer retiring after 17 years of service  
Recommended Action: Present proclamation to Allan Gontang, Office of Emergency Services (OES) volunteer retiring after 17 years of service

Mayor Scharf presented a proclamation to Allan Gontang, Office of Emergency Services (OES) volunteer retiring after 17 years of service.

2. Subject: Proclamations recognizing Autism Awareness Month  
Recommended Action: Present proclamations recognizing Autism Awareness Month

Mayor Scharf presented proclamations to Tayjas Sure, Siri Chettipally, and Julian Huang recognizing Autism Awareness Month.

3. Subject: Safe Routes to School Program Update  
Recommended Action: Receive Safe Routes to School Program Update

Written communications for this item included a presentation.

Acting Director of Public Works Roger Lee introduced Safe Routes to School Coordinator Cherie Walkowiak who reviewed the presentation.

Mayor Scharf opened public comment and the following individual spoke:

Jean Bedord (Cupertino resident)

Mayor Scharf closed public comment.

Staff answered questions from Councilmembers.

Council received the Safe Routes to School Program update.

**POSTPONEMENTS**

- 3a. Subject: Item #6, Update regarding City Hall Design/Delivery Strategy and Library Expansion Strategy has been postponed to a date to be determined

City Clerk Grace Schmidt noted that item number 6 was postponed to a date to be determined.

**ORAL COMMUNICATIONS**

Cathy Helgerson (Cupertino resident) talked about Lehigh Hanson (distributed written comments).

Roy Rocklin (Sunnyvale resident) talked about Regnart Creek Trail.

Herb Knoesel (Cupertino resident) talked about Apple funding for walk and bike projects.

Cupertino Librarian Clare Varesio talked about the Food For Fines program happening throughout the month of April at the Cupertino Library.

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

Kathy Chole (Cupertino resident) talked about Regnart Creek Trail (distributed written comments).

Jennifer Griffin talked about Highway 17.

Janet Van Zoeren (Cupertino resident) on behalf of Housing Choices Cupertino Task Force talked about an inclusionary ordinance for moderate and extremely low income renters (distributed written comments).

Lisa Warren talked about trees at Vallco and the Heart of the City Specific Plan.

Benaifer (Cupertino resident) talked about disrespect toward Vice Mayor Chao during Council meetings.

**CONSENT CALENDAR**

Paul moved and Scharf seconded to approve the items on the Consent Calendar as presented.

Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

4. Subject: Approve the April 2 City Council minutes  
Recommended Action: Approve the April 2 City Council minutes
5. Subject: Summary Vacation of a Portion of an Emergency Access Easement within The Forum at Rancho San Antonio Property at 23500 Cristo Rey Drive  
Recommended Action: Adopt Resolution No. 19-037, summarily vacating a portion of an emergency access easement within The Forum at Rancho San Antonio Property at 23500 Cristo Rey Drive

## STUDY SESSION

6. Subject: Update regarding City Hall Design/Delivery Strategy and Library Expansion Strategy  
Recommended Action: Update regarding City Hall Design/Delivery Strategy and Library Expansion Strategy has been postponed to a date to be determined

Under postponements, this item was postponed to a date to be determined.

## SECOND READING OF ORDINANCES - None

## PUBLIC HEARINGS

7. Subject: Fiscal Year (FY) 2019-20 Fee Schedule  
Recommended Action: Adopt Resolution No. 19-038 approving the FY 2019-20 Fee Schedule

Written communications for this item included a presentation.

Finance Manager Zach Korach reviewed the presentation.

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

Peggy Griffin (Cupertino resident)

Mayor Scharf closed the public hearing.

Paul moved and Sinks seconded to adopt Resolution No. 19-038 approving the FY 2019-20 Fee Schedule. The motion carried unanimously.

Council recessed from 8:45 p.m. to 9:00 p.m.

## ORDINANCES AND ACTION ITEMS

8. Subject: Appoint Deborah L. Feng as City Manager, Approve the Employment Agreement, and amend the Appointed Employee's Compensation Program  
Recommended Action: Appoint Deborah L. Feng as City Manager, effective June 3, 2019; authorize the Mayor to execute the Employment Agreement for City Manager; and adopt Resolution No. 19-039 to amend the Appointed Employees' Compensation Program

Interim City Manager Timm Borden introduced the item.

Mayor Scharf opened public comment and the following individual spoke:

Marie Liu (Cupertino resident) on behalf of Cupertino For All.

Mayor Scharf closed public comment.

Paul moved and Sinks seconded to appoint Deborah L. Feng as City Manager, effective June 3, 2019; authorize the Mayor to execute the Employment Agreement for City Manager; and adopt Resolution No. 19-039 to amend the Appointed Employees' Compensation Program. The motion carried unanimously.

9. Subject: Award of a construction contract for the McClellan Road Separated Bikeway-Phase 1B Project (Project No. 2017-01.06) for intersection improvements at McClellan Road & Bubb Road and McClellan Road & Stelling Road.  
Recommended Action: Award a construction contract for the McClellan Road Separated Bikeway-Phase 1B Project and authorize the Acting Director of Public Works to execute the contract in the amount of \$1,365,420 with Redgwick Construction Company; and further authorize the Acting Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$136,000, for a total possible authorized contract amount of \$1,501,420.

Written communications for this item included a presentation.

Acting Director of Public Works Roger Lee reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Janet Van Zoeren (Cupertino resident)  
Jennifer Griffin

Mayor Scharf closed public comment.

Paul moved and Sinks seconded to award a construction contract for the McClellan Road Separated Bikeway-Phase 1B Project and authorize the Acting Director of Public Works to execute the contract in the amount of \$1,365,420 with Redgwick Construction Company; and further authorize the Acting Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$136,000, for a total possible authorized contract amount of \$1,501,420. The motion carried unanimously.

10. Subject: Draft Citywide Parks and Recreation System Master Plan, endorse scope of actions identified in the Plan as the proposed project for purposes of conducting environmental review

Recommended Action: Endorse the scope of the actions included in the Draft Citywide Parks and Recreation System Master Plan ("Master Plan") as the proposed project for purposes of conducting environmental review pursuant to the California Environmental Quality Act ("CEQA").

Written communications for this item included a presentation and a written comment.

Director of Recreation and Community Services Jeff Milkes introduced the item and Parks Restoration and Improvement Manager Gail Seeds reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin  
Peggy Griffin (Cupertino resident)  
Neesha Tambe (Cupertino resident)

Mayor Scharf closed public comment.

Staff answered questions from Councilmembers.

Paul moved and Sinks seconded to endorse the scope of the actions included in the Draft Citywide Parks and Recreation System Master Plan ("Master Plan") as the proposed project for purposes of conducting environmental review pursuant to the California Environmental Quality Act ("CEQA") with input received by the Council regarding potential items and bring back within 3 months the Draft Citywide Parks and Recreation System Master Plan



("Master Plan") for consideration of Chapters 4 and 5 regarding prioritization. The motion carried unanimously.

Council recessed from 11:00 p.m. to 11:07 p.m.

11. Subject: Adopt positions opposing Senate Bills 50 and 330  
Recommended Action: Adopt positions opposing Senate Bills 50 and 330 and authorize the Mayor to send letters of opposition to the State Legislature

Written communications for this item included emails to Council.

City Attorney Heather Minner reviewed the staff report.

Mayor Scharf read a draft letter of opposition on SB50 (distributed written comments).

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin  
Peggy Griffin (Cupertino resident)  
Govind (Cupertino resident)

Mayor Scharf closed public comment.

Paul moved and Scharf seconded to adopt positions opposing Senate Bills 50 and 330 and authorize the Mayor to send letters of opposition to the State Legislature in a timely manner for each letter with the understanding that if there is more time on SB330 then to utilize the time. The motion carried unanimously.

## REPORTS BY COUNCIL AND STAFF

12. Subject: Update regarding 2018 community shuttle survey and provide input on an 18-month pilot program.  
Recommended Action: Receive update and provide comment.

Written communications for this item included a presentation.

Senior Transit and Transportation Planner Chris Corrao reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin  
Neesha Tambe (Cupertino resident)

Mayor Scharf closed public comment.

Council received the update regarding 2018 community shuttle survey and provided comment on an 18-month pilot 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.

Councilmembers requested the following:

- Town Hall meetings once a month beginning either the first Friday in May or the first Friday in June (Willey)
- Bring SB4, SB5, AB67, and AB68 to Legislative Review Committee (Scharf/Chao)
- Add a presentation regarding Below Market Rate (BMR) for sale and rental (Scharf)

Interim City Manager Timm Borden talked about the upcoming community workshop “Budget and Bites” at Quinlan Community Center on 4/18/19 from 6 -8 p.m.

## ADJOURNMENT

At 1:03 a.m. on Wednesday, April 17, Mayor Scharf adjourned the meeting.

---

Grace Schmidt, City Clerk