



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 15, 2019**

REGULAR CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

At 6:46 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: Presentation by Faria Elementary School Lego Robotics Club 5th Graders regarding transportation solutions and "managing parking at a busy parking lot."
Recommended Action: Presentation by Faria Elementary School Lego Robotics Club 5th Graders regarding transportation solutions and "managing parking at a busy parking lot."

Council received the presentation by Faria Elementary School Lego Robotics Club 5th Graders regarding transportation solutions and "managing parking at a busy parking lot."

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Jennifer Griffin talked about PG&E's power outage and website issues, Sacramento representatives providing guidance and support, and CASA Committee making decisions for the State.

Charlene Lee talked about her police report for her arrest at Monta Vista High School and

asked for an independent police audit report.

Genevieve Kolar, Foothill-De Anza District Student Trustee, talked about Cupertino renting issues, housing insecure De Anza students, policies beyond building affordable housing, and robust transit systems.

Rahul Vasanth talked about making public comments, Vice Mayor Chao's election receiving second highest number of votes and support for her clarifying questions, and support for Planning Commission Chair Ray Wang.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: Report on Committee assignments_
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

CONSENT CALENDAR

Sinks moved and Paul seconded to approve items on the Consent Calendar as presented except for item numbers 12 and 13 which were pulled for discussion. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

3. Subject: Approve the October 1 City Council minutes_
Recommended Action: Approve the October 1 City Council minutes
4. Subject: Cancel the January 7, 2020 Council meeting
Recommended Action: Cancel the January 7, 2020 Council meeting
5. Subject: Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3 (Operating Engineers), Appointed (City Attorney and City Manager), Elected Official groups and retired annuitants.
Recommended Action: Adopt Resolution No. 19-126, increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local union No. 3, Appointed, Elected Officials, and retired annuitant groups.
6. Subject: Accept Accounts Payable for the period ending August 09, 2019
Recommended Action: Adopt Resolution No. 19-127 accepting Accounts Payable for

the period ending August 09, 2019

7. Subject: Accept Accounts Payable for the period ending August 16, 2019
Recommended Action: Adopt Resolution No. 19-128 accepting Accounts Payable for the period ending August 16, 2019
8. Subject: Accept Accounts Payable for the period ending August 23, 2019
Recommended Action: Adopt Resolution No. 19-129 accepting Accounts Payable for the period ending August 23, 2019
9. Subject: Accept Accounts Payable for the period ending August 30, 2019
Recommended Action: Adopt Resolution No. 19-130 accepting Accounts Payable for the period ending August 30, 2019
10. Subject: Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.
Recommended Action: Receive report on commission and committee members' terms expiring January, 30, 2020, and set an application submittal deadline of Friday, January 10, 2020 and candidate interview dates of Monday and Tuesday, January 27 and 28, 2020.

Written communications for this item included an email to Council.

11. Subject: Authorize City Manager to award contract for Street Sweeping Services, Project No. 2019-101, to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years. No additional budget appropriations are needed at this time.
Recommended Action: Authorize City Manager to award a contract for Street Sweeping Services, Project No. 2019-101 to CleanStreet, Inc. at a baseline amount of \$268,350 per year for five years.
12. Subject: Consider a Linda Vista Trail Donation Agreement for donation of property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course. No additional budget allocation needed.
Recommended Action: Authorize the City Manager to execute an Agreement for Donation of Real Estate with Richard Lowenthal and Ellen Lowenthal for the Linda Vista Trail property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, and any subsequent documents necessary to acquire the property, consistent with the Agreement.

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

The following individual spoke on this item:

Kitty Moore – concerns for area and parcel map availability, easements and land rights, approval of funds information and timing, and missing documents for utilities.

Staff answered questions from Council.

Sinks moved and Scharf seconded to authorize the City Manager to execute an Agreement for Donation of Real Estate with Richard Lowenthal and Ellen Lowenthal for the Linda Vista Trail property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, and any subsequent documents necessary to acquire the property, consistent with the Agreement. The motion carried unanimously.

13. Subject: Master Agreement between the City of Cupertino and HF&H Consultants, LLC, to conduct a rate study of the current franchise agreement and to provide assistance for implementation of a new solid waste, recycling, and compostables/organics franchise agreement. No additional budget appropriations are needed.

Recommended Action: Authorize the City Manager to approve a Master Agreement between the City of Cupertino and HF&H Consultants, LLC, in an amount not-to-exceed \$250,000, for a term ending on January 31, 2022.

The following individual spoke on this item:

Jennifer Griffin – County process for payment of services compared to Cupertino's process, new toters, Sunnyvale's recycling cart not easy for seniors.

Staff answered questions from Council.

Paul moved and Willey seconded to authorize the City Manager to approve a Master Agreement between the City of Cupertino and HF&H Consultants, LLC, in an amount not-to-exceed \$250,000, for a term ending on January 31, 2022. The motion carried unanimously.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

14. Subject: Amendment to Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the California Buildings Standards Code and Fire Code as

mandated by the State of California and making local exceptions to those standards as warranted.

Recommended Action: 1. Conduct the first reading of Ordinance No. 19-2189: “An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.40, 16.54, and 16.58 and Adding Chapters 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Existing Building Code, Referenced Standards Code, and Green Building Standards Code with certain exceptions, deletions, modifications, additions and amendments”; and

2. Adopt Resolution No. 19-131 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.

Written communications for this item included a presentation.

Director of Community Development Ben Fu introduced the item and Assistant Director of Community Development/Building Official Albert Salvador, Permit Center Manager Sean Hatch, and Santa Clara County Fire Department Deputy Chief Julie Linney.

Assistant Director Salvador and Manager Hatch reviewed the presentation.

Deputy Chief Linney answered questions from Council.

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

Lisa Warren - fire exceptions for accessible dwelling units (ADUs), permit requirements for her home, safety requirements for single family homes versus ADUs.

Jennifer Griffin - Governor signed housing bills during PG&E crisis, San Francisco’s garage conversions, cities providing public utilities for new construction.

Mayor Scharf closed the public hearing.

Staff answered questions from Council.

Deputy City Clerk Kirsten Squarcia read the title of Ordinance No. 19-2189: “An Ordinance of the City Council of the City of Cupertino Amending City Code Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.40, 16.54, and 16.58 and Adding Chapters 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the 2019

California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Existing Building Code, Referenced Standards Code, and Green Building Standards Code with certain exceptions, deletions, modifications, additions and amendments.”

Paul moved and Scharf seconded to read Ordinance No. 19-2189 by title only and that the City Clerk’s reading would constitute the second reading thereof. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None. Recuse: None.

Paul moved and Scharf seconded to adopt Resolution No. 19-131 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code. The motion carried unanimously.

Council recessed from 8:31 p.m. to 8:36 p.m.

ORDINANCES AND ACTION ITEMS

15. Subject: Update on revised Community Garden Improvements Project at McClellan Ranch Preserve and provide any input. Status update on the investigation of creating community gardens at other parks in the City and provide any input.
Recommended Action: Review the revised design and proposed construction approach for the Community Garden Improvements Project and provide input. Receive status update on the investigation of creating community gardens at other parks in the City and provide any input.

Written communications for this item included a presentation and a revised Attachment A.

Capital Improvement Program (CIP) Manager Michael Zimmerman and Director of Parks and Recreation Jeff Milkes reviewed the presentation.

Staff answered questions from Council.

Mayor Scharf opened public comment and the following individuals spoke:

Jean Bedord - fiscal responsibility, emergency response, recent earthquake, City Hall seismic soundness, function of city during an event (provided written comments).

Mayor Scharf closed public comment.

Council reviewed the revised design and proposed construction approach for the Community Garden Improvements Project and received the status update on the investigation of creating community gardens at other parks in the City, and provided the following input:

- Ensure that the garden is open to the public.
- Discussed having internal fencing to separate the garden from the public but would allow the public to walk through the garden. This would create additional project costs.
- Research a self-closing, spring hinged gate.
- Garden locked after hours with a timed lock.
- Address any theft/vandalism issues that might occur down the road.
- Provide exterior fencing kits to “fence-in” raised bed, to be provided by the City and purchased by the gardeners.
- Screening kits should be tasteful.
- Eliminate mesh underneath but provide design guidelines for owners to cover box at own expense. This eliminates the cost of excavating.
- Roughly \$10,000 per gardener was considered too much, look for additional savings.
- Volunteers can assemble the raised beds for additional savings.
- Look into grant availability.
- Include a notice in the Cupertino Scene.
- Bring back as soon as possible, outside of the nesting season, and advise Council of the cost savings.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Under Oral Communications, added to a future agenda discussion of De Anza student housing issues (Scharf/Chao).

Councilmembers highlighted the activities of their various community events.

City Manager Feng talked about the homes affected by the PG&E shutdown and outreach by City staff and Citizen Core volunteers.

ADJOURNMENT

At 10:14 p.m., Mayor Scharf adjourned the meeting.

Kirsten Squarcia, Deputy City Clerk