



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 3, 2019**

SPECIAL CITY COUNCIL MEETING

At 5:40 p.m. Mayor Steven Scharf called the Special 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 (5:45 p.m.), and Councilmembers Darcy Paul, Rod Sinks, and Jon Robert Willey. Absent: None.

ELECTION OF MAYOR AND VICE MAYOR

1. Subject: Councilmembers elect Mayor

Recommended Action: Make nominations and elect Mayor

Paul moved and Willey seconded to nominate and elect Steven Scharf as Mayor. The motion carried with Chao absent.

2. Subject: Councilmembers elect Vice Mayor

Recommended Action: Make nominations and elect Vice Mayor

Willey moved and Scharf seconded to nominate and elect Darcy Paul as Vice Mayor. The motion carried with Chao absent.

OATH OF OFFICE

3. Subject: Mayor takes Oath of Office

Recommended Action: Mayor takes Oath of Office

City Clerk Grace Schmidt gave the Oath of Office to newly-elected Mayor Steven Scharf.

4. Subject: Vice Mayor takes Oath of Office

Recommended Action: Vice Mayor takes Oath of Office

City Clerk Grace Schmidt gave the Oath of Office to newly-elected Vice Mayor Darcy Paul.

COMMENTS BY NEW MAYOR

5. Subject: Comments by new Mayor

Recommended Action: Comments by new Mayor

Newly-elected Mayor Scharf made comments.

COMMENTS BY COUNCILMEMBERS AND PUBLIC

6. Subject: Comments by Councilmembers

Recommended Action: Comments by Councilmembers

Councilmembers made comments.

7. Subject: Members of the audience are invited to speak (no Speaker Cards necessary)

Recommended Action: Members of the audience are invited to speak

Members of the audience spoke.

RECEPTION

8. Subject: The public is invited to attend a reception in the lobby

Recommended Action: The public is invited to attend a reception in the lobby

Newly-elected Mayor Scharf invited the public to attend a reception in the lobby.

ADJOURNMENT

At 5:56 p.m., Mayor Scharf adjourned the Special meeting.

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 (left meeting at 10:40 p.m.), and Jon Robert Willey. Absent: None.

CEREMONIAL MATTERS AND PRESENTATIONS - None

POSTPONEMENTS

City Clerk Grace Schmidt noted that item number 5 could be tabled as there is already a previously scheduled alternate to fill the Bicycle Pedestrian Commission unscheduled vacancy.

ORAL COMMUNICATIONS

Ignatius Ding (Cupertino resident) talked about the Vallco SB 35 application and the Vallco overpass.

Connie Cunningham (Cupertino resident) talked about an emergency housing ordinance for Cupertino. (Provided written comments).

Lisa Warren talked about the Vallco SB35 application and roadway easements, and agenda housing bill discussions and R1 improvements related to privacy balcony guidelines. (Provided written comments).

Neil McClintock talked about the City doing an emergency tenant protection ordinance.

Jennifer Griffin talked about concern over lack of housing and no support for SB50.

Kitty Moore talked about having an emergency ordinance before the end of the year.

REPORTS BY COUNCIL AND STAFF (10 minutes)

1. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

City Manager Deb Feng mentioned that the Cities Association had asked the City Managers to come up with a set of guidelines regarding transportation. She noted that the City Managers had met and would finalize their top five guidelines to pass along to the Cities Association.

CONSENT CALENDAR

Sinks moved and Paul seconded to approve items on the Consent Calendar as presented except for item number 4 which was pulled for discussion and item number 5 which was tabled. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

2. Subject: Approve the November 5 City Council minutes
Recommended Action: Approve the November 5 City Council minutes
3. Subject: Approve the November 19 City Council minutes
Recommended Action: Approve the November 19 City Council minutes
4. Subject: Declare properties as having potential fire hazards or other potential nuisances from weeds for the Cupertino Weed Abatement Program; set hearing date to declare a public nuisance and to consider objections for proposed removal.
Recommended Action: Adopt Resolution No. 19-141 declaring properties as having potential fire hazards or other potential nuisances from weeds; and set hearing on January 21, 2020 to declare a public nuisance and to consider objections for proposed removal.

Councilmember Chao recused herself on this item and left the dais.

Mayor Scharf opened public comment and the following individual spoke:

Brent Bardsley (Cupertino resident)

Sinks moved and Paul seconded to adopt Resolution No. 19-141 declaring properties as having potential fire hazards or other potential nuisances from weeds; and set hearing on January 21, 2020 to declare a public nuisance and to consider objections for proposed removal. The motion carried with Chao recusing.

5. Subject: Accept termination of Bicycle Pedestrian Commission member Pete Heller and direct staff to fill the unscheduled, partial vacancy in January 2020 concurrent with the annual recruitment for all commission and committee members' terms expiring in January 2020.

Recommended Action: Accept termination of Bicycle Pedestrian Commission member Pete Heller and direct staff to fill the unscheduled, partial vacancy in January 2020 concurrent with the annual recruitment for all commission and committee members' terms expiring in January 2020.

This item was tabled.

6. Subject: Reject all bids received for the Blackberry Farm Slide and Recreation Pool Remodel, (Project No. 2020-10) and authorize the Director of Public Works to competitively solicit contractors to only complete work necessary to resolve spot repair of rust stains in the pools. Recommended Action: 1. Receive report on bids for the Blackberry Farm Slide and Recreation Pool Remodel; and 2. Authorize the Director of Public Works to reject all bids for the Blackberry Farm Slide and Recreation Pool Remodel; and 3. Authorize the Director of Public Works to competitively solicit contractors to only complete work necessary to resolve spot repair of rust stains in the pools.

Councilmember Chao returned to the dais.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

7. Subject: Municipal Code Amendments to Chapter 19.80 to clarify development standards in the Planned Development (P) Zoning Districts (Application No. MCA-2019-005 Applicant: City of Cupertino; Location: In P zoning districts located City-wide); Adoption of the Third Addendum to the 2014 General Plan Final EIR; and Finding the Actions Are Not a Project Under and Exempt from CEQA. Recommended Action: That the City Council conduct the first reading of Ordinance No. 19-2191: "An Ordinance of the City Council of the City of Cupertino adopting the Third Addendum to the 2014 General Plan Final EIR and Amendments to Chapter 19.80 (Planned Development (P) Zones) of the Cupertino Municipal Code to Clarify Development Standards in P Zones."

Written communications for this item included a presentation and an amended Attachment A – Draft Ordinance.

Director of Community Development Ben Fu introduced the item and Planning Manager Piu Ghosh reviewed the presentation.

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

Jennifer Griffin

Mayor Scharf closed the public hearing.

Staff answered questions from Council.

City Clerk Grace Schmidt read the title of Ordinance No. 19-2191: "An Ordinance of the City Council of the City of Cupertino adopting the Third Addendum to the 2014 General Plan Final EIR and Amendments to Chapter 19.80 (Planned Development (P) Zones) of the Cupertino Municipal Code to Clarify Development Standards in P Zones."

Paul moved and Scharf seconded to read Ordinance No. 19-2191 by title only and that the City Clerk's reading would constitute the first reading thereof with amendments to chapter 19.80.050, Development Permit to state, "...the applicant must obtain a development permit approving the development, and approval of a required or requested definitive plan..." as articulated by the City Attorney and shown on the screen and amendments to Section III, Section 4 as per the desk item. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None. Recuse: None.

Council recessed from 8:41 p.m. to 8:49 p.m.

8. Subject: Municipal Code Amendments to Chapter 13.08 (Park Land Dedication and Fee) and Chapter 18.24 (Dedications and Reservations) to Clarify Park Land Dedication and In Lieu Fee Requirements; Adoption of the Fourth Addendum to the 2014 General Plan Final EIR; and Finding the Actions Are Not a Project Under and Exempt From CEQA.
Recommended Action: That the City Council conduct the first reading of Ordinance No. 19-2192: "An Ordinance of the City Council of the City of Cupertino Adopting the Fourth Addendum to the 2014 General Plan Final EIR and Amendments to Chapter 13.08 and Chapter 18.24 of the Municipal Code to Clarify Standards for Park Land Dedications and Fees In lieu Thereof."

Written communications for this item included an email to Council, presentation and an amended Attachment A – Draft Ordinance and Attachment B - Redline Municipal Code Amendments.

Assistant Director of Public Works Chad Mosely reviewed the presentation.

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

Jean Bedord (Cupertino resident)

Jennifer Griffin
Janet Van Zoeren (Cupertino resident)

Mayor Scharf closed the public hearing.

Staff answered questions from Council.

City Clerk Grace Schmidt read the title of Ordinance No. 19-2192: "An Ordinance of the City Council of the City of Cupertino Adopting the Fourth Addendum to the 2014 General Plan Final EIR and Amendments to Chapter 13.08 and Chapter 18.24 of the Municipal Code to Clarify Standards for Park Land Dedications and Fees In lieu Thereof."

Paul moved and Scharf seconded to read Ordinance No. 19-2192 by title only and that the City Clerk's reading would constitute the first reading thereof with amendments to Chapter 13.08.080 B3 and Section III, Section 3 as per the desk items and the following additional amendments: Strike row indicating "10+" in column labeled "Density (DU/acre)" in Table 13.08.050; amend language to Section 13.08.050 F4 to state, "All dedicated land must be at least 50 feet wide in any horizontal dimension..."; add language to Table 13.08.080 under "Mandatory Element" to state that "All dedicated land must be at least 50 feet wide in any horizontal dimension"; request that staff consider a future nexus study on average number of persons per dwelling be proposed to a future Council Work Program item. Ayes: Scharf, Chao, Paul, and Willey. Noes: Sinks. Abstain: None. Absent: None. Recuse: None.

ORDINANCES AND ACTION ITEMS

9. Subject: Consider out-of-cycle Community Funding Grant for West Valley Community Services.

Recommended Action: Consider an out-of-cycle Community Funding Grant request of \$5,000 for West Valley Community Services Gift of Hope Program and either: · Approve a Community Funding Grant of \$5,000 for West Valley Community Services Gift of Hope Program, or · Recommend that West Valley Community Services apply for a Community Funding Grant during the City's regular grant process.

Written communications for this item included a presentation.

Director of Administrative Services Kristina Alfaro reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Vanessa Escobar on behalf of West Valley Community Services

Janet Van Zoeren (Cupertino resident)

Mayor Scharf closed public comment.

Paul moved and Willey seconded to approve a Community Funding Grant of \$5,000 for West Valley Community Services Gift of Hope Program. The motion carried with Sinks voting no.

ORAL COMMUNICATIONS - CONTINUED (As necessary) - None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers highlighted the activities of their various community events.

The following requests were made for future agenda items:

Chao/Paul/Scharf/Paul: Bring to Council an emergency tenant protection ordinance at the next meeting if feasible and broadcast resources where people can go for help.

Scharf: Look into putting standards in place for rooftop public parks; study session to take position on Foster Bay Area proposal; take position on PG&E to be a separate district.

City Manager Deb Feng gave an update on the Vallco Shopping Mall demolition.

ADJOURNMENT

At 11:03 p.m., Mayor Scharf adjourned the meeting.

Grace Schmidt, City Clerk