



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, February 2, 2021**

At 6:45 p.m. Mayor Darcy Paul called the Regular City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Recognition of Fine Arts Commission Artists Award winners
Recommended Action: Present awards to Fine Arts Commission Artist Award winners

Fine Arts Commission Vice Chair and Acting Chair Sudha Kasamsetty gave a presentation.

Council received the presentation recognizing the Fine Arts Commission Artists Award winners.

POSTPONEMENTS

ORAL COMMUNICATIONS

Jennifer Griffin was concerned about legislation in Portland, Oregon regarding driveway restrictions and onsite parking requirements in suburban neighborhoods.

Ritvi Ranka presented a video regarding a project that she developed for a sensor-based, cost effective, touchless solution to sanitize door-knobs.

Rick Kitson, on behalf of the Cupertino Chamber of Commerce, talked about the upcoming Cupertino Education Fair/2021 Summer Camp Fair.

Brandon Pan supported Ranked-Choice Voting and allowing voters to rank candidates in order of preference and force candidates to appeal to a larger audience.

Nelson Mu supported Ranked-Choice Voting to ensure that the people running for office will appeal to a wider audience.

Rose Grymes supported the Dark Sky and Bird-Safe Design draft ordinances and upcoming Silicon Valley Reads 2021 events.

Lisa Warren supported the Fine Arts Commission Artist Award presentation.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts

City Manager Deborah Feng reported on COVID-19 case counts, state tier guidance, travel restrictions, vaccine distribution data, and testing opportunities.

Council received the City Manager update on emergency response efforts.

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

Councilmembers highlighted the activities of their various committees.

CONSENT CALENDAR

Willey moved and Wei seconded to approve the items on the Consent Calendar except for Item No. 5 which was pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

4. Subject: Approve the January 19 City Council minutes
Recommended Action: Approve the January 19 City Council minutes
5. Subject: Award of a construction contract for the Bubb Road Separated Bikeway Improvements Project (Project 2020-06) for the construction of the separation of bike lanes on Bubb Road, between McClellan Road and Stevens Creek Boulevard.
Recommended Action: Award a construction contract for Bubb Road for a Separated Bikeway Improvement Project, authorize the City Manager to execute a contract in the amount of \$663,247.50 with Granite Rock Company, and authorize the Director of Public Works to execute any necessary change orders, up to the construction

contingency amount of \$66,325.00, for a total authorized contract amount of \$729,572.50

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

Mayor Paul opened the public comment period and the following people spoke.

Jennifer Griffin was concerned about the pedestrian crossing near the shuttle area and supported a traffic study.

Mayor Paul closed the public comment period.

Assistant Engineer Marlon Aumentado gave a presentation.

Councilmember asked questions and made comments.

Chao moved and Wei seconded to Award a construction contract for Bubb Road for a Separated Bikeway Improvement Project, authorize the City Manager to execute a contract in the amount of \$663,247.50 with Granite Rock Company, and authorize the Director of Public Works to execute any necessary change orders, up to the construction contingency amount of \$66,325.00, for a total authorized contract amount of \$729,572.50. The motion carried unanimously.

6. Subject: Accept Accounts Payable for the period ending October 12, 2020
Recommended Action: Adopt Resolution No. 21-003 accepting Accounts Payable for the period ending October 12, 2020
7. Subject: Accept Accounts Payable for the period ending October 19, 2020
Recommended Action: Adopt Resolution No. 21-004 accepting Accounts Payable for the period ending October 19, 2020
8. Subject: Accept Accounts Payable for the period ending October 26, 2020
Recommended Action: Adopt Resolution No. 21-005 accepting Accounts Payable for the period ending October 26, 2020
9. Subject: Accept Accounts Payable for the period ending October 30, 2020
Recommended Action: Adopt Resolution No. 21-006 accepting Accounts Payable for the period ending October 30, 2020
10. Subject: Accept Accounts Payable for the period ending November 09, 2020
Recommended Action: Adopt Resolution No. 21-007 accepting Accounts Payable for the period ending November 09, 2020

11. Subject: Accept Accounts Payable for the period ending November 16, 2020
Recommended Action: Adopt Resolution No. 21-008 accepting Accounts Payable for the period ending November 16, 2020
12. Subject: Accept Accounts Payable for the period ending November 23, 2020
Recommended Action: Adopt Resolution No. 21-009 accepting Accounts Payable for the period ending November 23, 2020
13. Subject: Accept Accounts Payable for the period ending November 30, 2020
Recommended Action: Adopt Resolution No. 21-010 accepting Accounts Payable for the period ending November 30, 2020

SECOND READING OF ORDINANCES

14. Subject: Second reading of Ordinance No. 21-2220 adopting Municipal Code Amendments to update existing Mobile Vending regulations, including conforming edits to Titles 5 and 13 in the Municipal Code, for new regulations of Sidewalk Vending in compliance with SB 946. Application No(s): MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide.
Recommended Action: Conduct the second reading and enact Ordinance No. 21-2220: "An Ordinance of the City Council of the City of Cupertino amending Chapter 5.04, Business Licenses Generally, Chapter 5.20, Solicitors, Chapter 5.48, Mobile Vendors, and Chapter 13.04, Parks" to:
 - A. find that the proposed actions are exempt from CEQA;
 - B. Adopt regulations to allow sidewalk vending in compliance with SB 946; and
 - C. Find that the restrictions and requirements contained in the regulations are directly related to objective health, safety, and/or public welfare concerns.

Economic Development Manager Angela Tsui gave an update regarding optional amendments to the Draft Ordinance regarding special event exemptions.

Councilmember asked questions and made comments.

City Attorney Heather Minner advised that incorporating the optional amendments to the draft ordinance would require another ordinance first reading instead of the scheduled second meeting.

Mayor Paul opened the public comment period and the following people spoke.

Jennifer Griffin supported the ordinance to update existing Mobile Vending regulations.

Peggy Griffin supported the ordinance to update existing Mobile Vending regulations.

Rick Kitson, on behalf of the Chamber of Commerce, supported the ordinance to update existing Mobile Vending regulations.

Mayor Paul closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2220 as amended: "An Ordinance of the City Council of the City of Cupertino amending Chapter 5.04, Business Licenses Generally, Chapter 5.20, Solicitors, Chapter 5.48, Mobile Vendors, and Chapter 13.04, Parks":

Willey moved and Chao seconded to conduct the first reading of Ordinance No. 21-2220 as amended by title only and that the City Clerk's reading would constitute the first reading thereof.

Amendments to Prohibited Locations - Draft Ordinance, page 6:

I. Within five hundred feet of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet;

I. Within five hundred feet of an area designated for a temporary special event permit for the duration of the temporary special event permit, provided that any notice provided to affected businesses or property owners under such special event permit is also provided to sidewalk vendors specifically permitted to operate in the area.

Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

15. Subject: Consider modifications to the Procedures for Processing General Plan Amendment Applications to implement the Fiscal Year 2020/21 City Work Program items related to quality of life. Application No(s): CP-2020-003; Applicant(s): City of Cupertino; Location: citywide

Recommended Action: That the City Council:

- 1) Find that the proposed action is exempt from CEQA; and
- 2) Adopt Resolution No. 21-011 Amending the Procedures for Processing General Plan Amendment Applications

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

Senior Planner Erick Serrano gave a presentation.

Councilmember asked questions and made comments.

Mayor Paul opened the public hearing and the following people spoke.

Jennifer Griffin supported postcard notices and public awareness, and clarification on the modification process.

Peggy Griffin supported the GPA application process, postcard notices, definitions for substantial compliance and minor amendments; and approval expiration. (Submitted written comments).

Lisa Warren supported including clarifying definitions as needed.

Mayor Paul closed the public hearing.

Chao moved and Wei seconded to:

- 1) Find that the proposed action is exempt from CEQA; and
- 2) Adopt Resolution No. 21-011 Amending the Procedures for Processing General Plan Amendment Applications

Chao amended her motion to add modifications to the Draft Resolution:

2. Procedure, page 4:

- e. In addition to noticing required for public meetings, a city-wide postcard shall be mailed prior to the Planning Commission meeting with project features and meeting dates listed and a notice in the Scene.
- h. Staff will begin processing the General Plan amendment applications per Council direction. A project that applies for processing should be in substantial compliance with the project authorized by Council. The project application should be submitted and deemed complete within 5 years; and
 - Staff to add definition on substantial compliance vs. minor amendment; and
 - Bring the item back to consider the format of community amenities.

Chao withdrew her amendment and submitted a new amendment to add modifications to the Draft Resolution:

2. Procedure, page 4:

- h. Staff will begin processing the General Plan amendment applications per Council direction. A project that applies for processing should be in substantial compliance with the project authorized by Council. The project application shall be submitted within 2 years of the authorization; and
 - Staff to add definition on substantial compliance vs. minor amendment as administrative regulations:
 - h. Staff will begin processing the General Plan amendment applications per

Council direction. A project that applies for processing should be in **substantial compliance** with the project authorized by Council.

- i. Proposals not authorized by the Council at the first meeting (per. 2.dc) may be resubmitted with **minor amendments**, not more than once, within 6 months; and
- Bring the item back to consider the format of the community amenities.

Chao's new amendment and main motion were not voted on.

Council consented to table consideration of modifications to the Procedures for Processing General Plan Amendment Authorization Applications and directed staff to consider Council and public input received at this meeting and agendize at a future meeting date; offering different options for substantial compliance and minor amendments, voluntary community benefits and noticing options.

ORDINANCES AND ACTION ITEMS

16. Subject: Consider Municipal Code Amendments adding Chapter 2.100 ("Regulation of Lobbying Activities") to Title 2 ("Administration and Personnel") of the Cupertino Municipal Code to create lobbying registration and reporting requirements. Recommended Action: Conduct the first reading of Ordinance No. 21-2222: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.100 ("Regulation of Lobbying Activities") to Title 2 ("Administration and Personnel") of the Cupertino Municipal Code," which includes a finding that adoption of the ordinance is exempt from the California Environmental Quality Act.

Written Communications for this item included a staff presentation, List of Registered Lobbyists in Other Cities, and an email to Council.

Assistant to the City Manager Katy Nomura gave a presentation.

Councilmembers asked questions and made comments.

Mayor Paul opened the public comment period and the following people spoke.

Rick Kitson (representing self) supported the ordinance to regulate lobbying activities.

Peggy Griffin supported the ordinance to regulate lobbying activities and eliminating lobbying from past officials for 5 years.

Lisa Warren supported the ordinance to regulate lobbying activities and eliminating

lobbying from past officials for 5 years.

Jennifer Griffin supported the ordinance to regulate lobbying activities.

Chao moved and Willey seconded to conduct the first reading of Ordinance No. 21-2222 by title only and that the City Clerk's reading would constitute the first reading thereof.

Moore made a friendly amendment to incorporate Attachment B - San Jose Reporting Requirements, San Jose Code of Ordinances, Title 12, Chapter 12.12 - San José Municipal Lobbying to the Draft Ordinance. (Chao and Willey accepted the friendly amendment).

Chao amended her motion (accepted by Willey) to amend the Draft Ordinance to require quarterly reports.

Amendments to the Draft Ordinance, page 8:

2.100.100 ~~Semi-annual~~Quarterly reports.

~~Semi-annual~~Quarterly reports for the prior ~~threesix~~-month period are to be filed with the City Clerk on or before July 15th, October 15th, ~~and~~ January 15th, and April 15th of each year, whether or not any Lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each ~~semi-annual~~quarterly report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that period. If a Lobbyist has terminated all Lobbying activities during such period, the Lobbyist may file a declaration of termination with the ~~semi-annual~~quarterly report. The final ~~semi-annual~~quarterly report shall include disclosure of any Lobbying activities during the period of termination.

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2222 as amended: "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.100 ("Regulation of Lobbying Activities") to Title 2 ("Administration and Personnel") of the Cupertino Municipal Code."

Chao's motion as amended by Moore and Chao carried: Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

Motion Summary:

Chao moved and Willey seconded to conduct the first reading of Ordinance No. 21-2222 by title only and that the City Clerk's reading would constitute the first reading thereof as amended to include Chao's modifications:

1.) 2.100.100 ~~Semi-annual~~Quarterly reports - Draft Ordinance, page 8.

~~Semi-annual~~Quarterly reports for the prior ~~threesix~~-month period are to be filed with

the City Clerk on or before July 15th, ~~October 15th~~, and January 15th, and April 15th of each year, whether or not any Lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each ~~semi-annual~~ quarterly report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that period. If a Lobbyist has terminated all Lobbying activities during such period, the Lobbyist may file a declaration of termination with the ~~semi-annual~~ quarterly report. The final ~~semi-annual~~ quarterly report shall include disclosure of any Lobbying activities during the period of termination; and to include Moore's amendment to:

2.) Incorporate Attachment B - San Jose Reporting Requirements, San Jose Code of Ordinances, Title 12, Chapter 12.12 - San José Municipal Lobbying.

Chao's motion as amended by Moore and Chao carried: Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

17. Subject: Consider adopting the 2021 Legislative Platform.
Recommended Action: Adopt the proposed 2021 Legislative Platform

Written Communications for this item included a staff presentation.

Assistant to the City Manager Katy Nomura gave a presentation.

Councilmembers asked questions and made comments.

Mayor Paul opened the public comment period and the following people spoke.

Jennifer Griffin supported adoption of the proposed 2021 Legislative Platform.

Mayor Paul closed the public comment period.

Wei moved and Moore seconded to adopt the proposed 2021 Legislative Platform.

Wei offered a substitute motion (accepted by Moore) with modifications to Housing & Community Development - Draft Resolution, page 6:

1. The City acknowledges that California is currently facing dramatic job-housing imbalance, severe income disparity and lack of transit options ~~to affordable areas~~. The rising cost of housing is one symptom of the deeper economic problem, which can ~~only~~ be solved by addressing the ~~excessive job-housing imbalance growth~~, housing affordability, and lack of transit options together. The City supports legislation that addresses the root causes of these problems.

Wei withdrew her substitute motion for lack of support.

Wei's main motion to adopt the proposed 2021 Legislative Platform per the staff recommendation. The motion carried unanimously.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

At 10:57 p.m., Mayor Paul adjourned the meeting.

Kirsten Squarcia, City Clerk