



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, June 20, 2017**

SPECIAL CITY COUNCIL MEETING

ROLL CALL

At 5:00 p.m. Mayor Savita Vaidhyanathan called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue. The closed session continued in City Hall Conference Room A, 10300 Torre Avenue.

Present: Mayor Savita Vaidhyanathan, and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks. Absent: Vice Mayor Darcy Paul.

Council went into closed session and reconvened in open session at 6:45 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue for the Regular Meeting.

CLOSED SESSION

1. Subject: Conference with Legal Counsel - Anticipated Litigation Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 (one potential case).

Written communications for this item included emails to Council.

Jennifer Griffin spoke on this item.

Mayor Vaidhyanathan announced that Council gave direction to staff for Conference with Legal Counsel - Anticipated Litigation Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 (one potential case).

REGULAR CITY COUNCIL MEETING

ROLL CALL

At 6:45 p.m. Mayor Savita Vaidhyanathan called the Regular City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of

Allegiance.

Present: Mayor Savita Vaidhyanathan, Vice Mayor Darcy Paul (7:30 p.m.), and Councilmembers Barry Chang, Steven Scharf, and Rod Sinks.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation for July as National Park & Recreation Month
Recommended Action: Present Proclamation for July as National Park & Recreation Month

Mayor Vaidhyanathan presented the proclamation to Cupertino Recreation and Community Services staff for July as National Park & Recreation Month.

2. Subject: Presentation regarding Fourth of July festivities
Recommended Action: Receive presentation regarding Fourth of July festivities

Written communications for this item included a staff PowerPoint presentation.

Senior Recreation Manager Mariah Dabel and Street Department Supervisor Brad Alexander gave a presentation via PowerPoint.

Bicycle and Pedestrian Commissioner Jennifer Shearin spoke in support of this item.

Council received the presentation regarding Fourth of July festivities.

3. Subject: Proclamation for International Yoga Day on June 21
Recommended Action: Present Proclamation for International Yoga Day on June 21

Mayor Vaidhyanathan presented the proclamation to yoga instructor Sa-ad Kongboo and a few students on behalf of the Cupertino Sports Center.

4. Subject: Presentation regarding Climate Action Plan & Greenhouse Gas Inventory
Recommended Action: Receive presentation regarding Climate Action Plan & Greenhouse Gas Inventory

Written communications for this item included a staff PowerPoint presentation.

Sustainability Manager Misty Mersich introduced the item and Ben Butterworth from DNVGL gave a presentation via PowerPoint.

Council received the presentation regarding Climate Action Plan & Greenhouse Gas Inventory.

POSTPONEMENTS - None

ORAL COMMUNICATION

Jennifer Griffin talked about the proposed San Jose Urban Villages development bordering eastern Cupertino.

Sean Pan on behalf of Squadz, Inc. talked about a new web-based platform Venue Portal business development. He distributed written comments.

Muni Madhhipatla talked about the proposed San Jose Urban Villages development bordering eastern Cupertino.

Catherine Moore talked about Friendship Cities with Cupertino.

CONSENT CALENDAR

Paul moved and Sinks seconded to approve the items on the Consent Calendar as presented except for item number 6 which was pulled for discussion. Ayes: Vaidhyanathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the June 6 City Council minutes
Recommended Action: Approve the June 6 City Council minutes
6. Subject: Budget appropriation for the funding agreement between the City of Cupertino and Santa Clara Valley Transportation Authority (VTA) for the I-280/Wolfe Road Interchange Improvements Project
Recommended Action: Approve the budget appropriation for the funding agreement between the City of Cupertino and Santa Clara Valley Transportation Authority (VTA) for the I-280/Wolfe Road Interchange Improvements Project

Senior Civil Engineer David Stillman reviewed the staff report.

Jennifer Griffin spoke on this item.

Sinks moved and Paul seconded to approve the budget appropriation for the funding agreement between the City of Cupertino and Santa Clara Valley Transportation Authority (VTA) for the I-280/Wolfe Road Interchange Improvements Project. The motion carried unanimously.

7. Subject: 2016 Department of Housing and Community Development (HCD) Annual Housing Element Progress Report
Recommended Action: Accept the 2016 Department of Housing and Community Development (HCD) Annual Housing Element Progress Report

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

8. Subject: Fiscal Year 2017-18 Fee Schedule (continued from June 6)
Recommended Action: Adopt Resolution No. 17-052 approving the FY 2017-18 Fee Schedule (continued from June 6)

Director of Administrative Services Kristina Alfaro reviewed the staff report.

Mayor Vaidhyathan opened the public hearing. Seeing no speakers, the public hearing was closed.

Sinks moved and Scharf seconded to adopt Resolution No. 17-052 approving the FY 2017-18 Fee Schedule. The motion carried unanimously.

9. Subject: Public hearing to consider the Capital Improvement Plan (CIP); and a finding of General Plan conformance; and the Recommended Budget for Fiscal Year (FY) 2017-18; and the Adoption of the Recommended Budget; and Establishment of the Appropriation Limit, and related actions
Recommended Action: 1. Adopt Resolution No. 17-053 establishing a special project budget for Public Works Traffic Engineering Program for costs related to Apple Pass through Revenues for FY 2017-18; and 2. Adopt Resolution No. 17-054 establishing an Operating Budget and Capital Budget for FY 2017-18; and 3. Approve the appropriation of \$22,000 in Public Works Traffic Engineering for a Senior Mobility Pilot Program; and 4. Approve the appropriation of \$800 to \$1000 for City Council Community Funding for the Iranian Federated Women's Club Event; and 5. Approve

the appropriation of \$50,000 for the Creekside Bldg. Roof Modification; and 6. Approve the appropriation of \$779,762 in the Capital Improvement Fund and the appropriation of \$779,762 in transfers out from the Transportation Fund to fund Bike Plan Implementation costs in the Capital Improvement Fund; and 7. Approve the appropriation of \$3 million in Capital Projects for the Bike Plan Implementation and the additional appropriation of \$3 million in transfers out of the Capital Reserve to fund Bike Plan costs; and 8. Adopt Resolution No. 17-055 establishing an Appropriation Limit for FY 2017-18; and 9. Adopt Resolution No. 17-056 amending the Unrepresented Employees' Compensation Program

Written communications for this item included two staff PowerPoint presentations.

Director of Administrative Services Kristina Alfaro and Senior Management Analyst Karen Guerin reviewed the staff report via a PowerPoint presentation.

Councilmember Sinks left the dais during the review of the pass through revenues for Apple Campus 2 and then returned.

Vice Mayor Paul left the meeting at 8:30 p.m.

Director of Public Works Timm Borden reviewed the 2016 Bicycle Transportation Plan Implementation via a PowerPoint presentation.

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

Jennifer Griffin

Mayor Vaidhyanathan closed the public hearing.

Action item numbers 2-9 were voted on first followed by action item number 1.

Sinks moved and Scharf seconded to: 2. Adopt Resolution No. 17-054 establishing an Operating Budget and Capital Budget for FY 2017-18; and 3. Approve the appropriation of \$22,000 in Public Works Traffic Engineering for a Senior Mobility Pilot Program; and 4. Approve the appropriation of \$400 for City Council Community Funding for the Iranian Federated Women's Club Event; and 5. Approve the appropriation of \$50,000 for the Creekside Bldg. Roof Modification; and 6. Approve the appropriation of \$779,762 in the Capital Improvement Fund and the appropriation of \$779,762 in transfers out from the Transportation Fund to fund Bike Plan

Implementation costs in the Capital Improvement Fund; and 7. Approved the appropriation of \$3 million in Capital Projects for the Bike Plan Implementation and the additional appropriation of \$3 million in transfers out of the Capital Reserve to fund Bike Plan costs with an amendment to use funding allocated to phases of the Stevens Creek Boulevard Separated Bike Lane project for the McClellan Road Separated Bike Lane project to be banked for multiple years to ensure project completion. The McClellan Road Separated Bike Lane project includes the extension easterly to Cupertino High School, including the Regnart Creek Trail; and 8. Adopt Resolution No. 17-055 establishing an Appropriation Limit for FY 2017-18; and 9. Adopt Resolution No. 17-056 amending the Unrepresented Employees' Compensation Program. The motion carried unanimously with Paul absent.

Councilmember Sinks recused himself from voting on the adoption of Resolution No. 17-053 due to a conflict of interest and left the dais.

Chang moved and Scharf seconded to adopt Resolution No. 17-053 establishing a special project budget for Public Works Traffic Engineering Program for costs related to Apple Pass through Revenues for FY 2017-18. The motion carried unanimously with Paul absent and Sinks recusing.

Councilmember Sinks returned to the dais.

10. Subject: 2017-18 Community Development Block Grant (CDBG) Program, General Fund Human Service Grants (HSG) Program and Below Market Rate (BMR) Affordable Housing Fund (AHF) funding allocations
Recommended Action: Conduct the Public Hearing and adopt Resolution 17-057 approving the 2017-18 Community Development Block Grant Program (CDBG), General Fund Human Service Grants (HSG) Program and Below Market Rate (BMR) Affordable Housing Fund (AHF) funding allocations

Written communications for this item included a staff PowerPoint presentation.

Senior Planner Kerri Heusler reviewed the staff report via a PowerPoint presentation.

Mayor Vaidhyanathan opened the public hearing. Seeing no speakers, the public hearing was closed.

Scharf moved and Sinks seconded to adopt Resolution 17-057 approving the 2017-18 Community Development Block Grant Program (CDBG), General Fund Human Service

Grants (HSG) Program and Below Market Rate (BMR) Affordable Housing Fund (AHF) funding allocations. The motion carried unanimously with Paul absent.

11. Subject: Development project to consider allowing the construction of a 19 unit affordable senior housing development with associated parking and landscape improvements on a vacant parcel including a Heart of the City Exception to allow 100% of the front and rear of the property to be a non-retail use (Application No. (s): DP-2016-02, ASA-2016-15, EXC-2017-03; Applicant(s): Kathy Robinson (Charities Housing); Location: 19160 Stevens Creek Boulevard; APN(s): 375-07-001)
Recommended Action: Staff recommends that the City Council: 1. Find that the proposed actions are exempt from CEQA; and 2. Adopt Resolution No. 17-058 approving Development Permit (DP-2016-02); and 3. Adopt Resolution No. 17-059 approving Architectural and Site Approval (ASA-2016-15); and 4. Adopt Resolution No. 17-060 approving Heart of the City Exception (EXC-2017-03)

Written communications for this item included a staff PowerPoint presentation, Stevens Creek Studios design pictures, and letters and emails to Council.

Associate Planner Gian Paolo Martire reviewed the staff report via a PowerPoint presentation.

Director of Housing Development at Charities Housing Kathy Robinson answered questions from Council.

The following individuals spoke on this item:

Jennifer Griffin

Tracey Edwards on behalf of the League of Women Voters Cupertino-Sunnyvale

Chang moved and Sinks seconded to: 1. Find that the proposed actions are exempt from CEQA; and 2. Adopt Resolution No. 17-058 approving Development Permit (DP-2016-02); and 3. Adopt Resolution No. 17-059 approving Architectural and Site Approval (ASA-2016-15); and 4. Adopt Resolution No. 17-060 approving Heart of the City Exception (EXC-2017-03). The motion carried unanimously with Paul absent.

ORDINANCES AND ACTION ITEMS

12. Subject: Brush abatement for public nuisance and potential fire hazard

Recommended Action: Remove this item from the agenda since all parcels on the list have complied

City Clerk Grace Schmidt noted that all parcels on the list have complied with the abatement and the item can be removed from the agenda.

13. Subject: First reading of an Ordinance Amending Chapter 16.72 of the Cupertino Municipal Code regarding Recycling and Diversion of Construction and Demolition Waste

Recommended Action: Conduct the first reading of Ordinance No. 17-2164: "An Ordinance of the City Council of the City of Cupertino amending Sections 16.72.010, 16.72.020, 16.72.030, 16.72.040, 16.72.050, 16.72.060 and 16.72.070 of Chapter 16.72 of Title 16 of the Cupertino Municipal Code regarding recycling and diversion requirements for construction and demolition waste to be consistent with the California Green Building Standards Code"

Director of Public Works Timm Borden reviewed the staff report.

Environmental Programs Manager Cheri Donnelly answered questions from Council.

City Clerk Grace Schmidt read the title of the ordinance.

Chang moved and Sinks seconded to read Ordinance No. 17-2164 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Vaidhyathan, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: Paul.

REPORTS BY COUNCIL AND STAFF

14. Subject: Report on Committee assignments and general comments

Recommended Action: Report on Committee assignments and general comments

City Manager David Brandt reminded Councilmembers that the next Council meeting would be on July 5 due to the Fourth of July holiday.

Councilmembers highlighted the activities of their committees and various community events.

ADJOURNMENT

At 10:34 p.m., Mayor Vaidhyanathan adjourned the meeting.

/s/Grace Schmidt
Grace Schmidt, City Clerk