



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, December 19, 2017**

**SPECIAL CITY COUNCIL MEETING**

At 6:00 p.m. Mayor Darcy Paul called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

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

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: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Attorney

Mayor Paul announced that Council received an update and gave direction.

2. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Manager

Mayor Paul announced that Council received an update and gave direction.

**ADJOURNMENT**

**REGULAR CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

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

## CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Healthy Cities Initiative award  
Recommended Action: Accept award from Santa Clara County for Healthy Cities Initiative

Written communications for this item included a Santa Clara County Health Cities Initiative, 2017 handout.

Dr. Sara Cody, County Health Officer and Director of Public Health for Santa Clara County talked about Cupertino's Safe Routes to School Program.

Mayor Paul and Director of Public Works Timm Borden accepted the Healthy Cities Initiative award from Dr. Sara Cody, County Health Officer and Director of Public Health for Santa Clara County.

2. Subject: Teen Commission 2017-2018 Work Plan presentation  
Recommended Action: Accept the Teen Commission 2017-2018 Work Plan presentation

Written communications for this item included a presentation.

Sidharth Rajaram, Shivani Sahni, Vanitha Vemula, Madhavan Krishnan, and Emily Chan from the Teen Commission presented the 2017-2018 Work Plan.

Council received the Teen Commission 2017-2018 Work Plan presentation.

3. Subject: Presentation from consultants related to the Vallco Specific Plan  
Recommended Action: That the City Council accept the presentation from consultants related to the Vallco Specific Plan

Written communications for this item included emails to Council and consultant presentations.

Senior Planner Catarina Kidd introduced the consultants.

Daniel Parolek from Opticos Design, Bill Lennertz from Opticos Design, Judy Shanley from David J. Powers and Associates, Franziska Church from Fehr and Peers, and Ben Sigman from Economic and Planning Systems gave presentations related to the Vallco Specific Plan.

Consultants answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Josh Barousse (San Jose) on behalf of Silicon Valley At Home

Cathy Helgerson (Cupertino)

Tracey Edwards (Cupertino) on behalf of League of Women Voters Cupertino-Sunnyvale

Jennifer Griffin (Cupertino)

David Fung (Cupertino)

Mayor Paul closed public comment.

Staff and consultants answered questions asked by members of the public.

Council received the presentation from consultants related to the Vallco Specific Plan.

## **POSTPONEMENTS**

Sinks moved and Chang seconded to postpone item number 15 to January 16 and item number 18 to February 20. The motion carried unanimously with Vaidhyanathan absent.

## **ORAL COMMUNICATIONS**

Cathy Helgerson (Cupertino resident) talked about Lehigh dumping toxins into the Stevens Creek Reservoir.

Pete Heller (Cupertino resident) gave kudos to City staff on new bicycle lanes and pedestrian trails.

Jennifer Griffin (Cupertino resident) talked about the San Jose Urban Villages project.

## **CONSENT CALENDAR**

Scharf moved and Chang seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 10 and 11 which were pulled for discussion, and item number 15 which was postponed. Ayes: Paul, Sinks, Chang, and Scharf. Noes: None. Abstain: None. Absent: Vaidhyanathan.

4. Subject: Approve the November 27 City Council minutes  
Recommended Action: Approve the November 27 City Council minutes
5. Subject: Approve the December 5 City Council minutes  
Recommended Action: Approve the December 5 City Council minutes
6. Subject: Accept Accounts Payable for the period ending November 3, 2017  
Recommended Action: Adopt Resolution No. 17-116 accepting Accounts Payable for the period ending November 3, 2017
7. Subject: Accept Accounts Payable for the period ending November 9, 2017  
Recommended Action: Adopt Resolution No. 17-117 accepting Accounts Payable for the period ending November 9, 2017
8. Subject: Accept Accounts Payable for the period ending November 17, 2017  
Recommended Action: Adopt Resolution No. 17-118 accepting Accounts Payable for the period ending November 17, 2017
9. Subject: Accept Accounts Payable for the period ending December 1, 2017  
Recommended Action: Adopt Resolution No. 17-119 accepting Accounts Payable for the period ending December 1, 2017
10. Subject: Adopt a resolution approving the purchase of property at 10301 Byrne Ave (APN 357-11-020).  
Recommended Action: 1. Adopt Resolution No. 17-120, approving purchase of the property at 10301 Byrne Avenue, Assessors' Parcel Number 357-11-020, from Patricia L. Sievert Living Trust, in the amount of \$2,450,000, authorizing the City Manager to execute all necessary documents and related steps to complete the acquisition. 2. Approve increase budget appropriations of \$2,450,000 in the General Fund-Non Departmental program for the purchase of the property.

Written communications for this item included pictures of the property.

Director of Recreation and Community Services Jeff Milkes answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Tara Sreekrishnan (Cupertino resident)

Jennifer Griffin (Cupertino resident)

Liana Crabtree (Cupertino resident)

Mayor Paul closed public comment.

Chang moved and Sinks seconded to adopt Resolution No. 17-120, approving purchase of the property at 10301 Byrne Avenue, Assessors' Parcel Number 357-11-020, from Patricia L. Sievert Living Trust, in the amount of \$2,450,000, authorizing the City Manager to execute all necessary documents and related steps to complete the acquisition. 2. Approve increase budget appropriations of \$2,450,000 in the General Fund-Non Departmental program for the purchase of the property. The motion carried unanimously with Vaidhyanathan absent.

11. Subject: Agreement with Avocette Technologies, Inc. for professional services in implementing Accela Permitting and Land Management System  
Recommended Action: Authorize the City Manager to execute a Services Agreement with Avocette Technologies, Inc. in the amount of \$299,143 for the implementation of Accela Permitting and Land Management System which represents \$139,143 in additional funding above the original June 21, 2017 contract of \$160,000 for a total of \$299,143

Chief Technology Officer Bill Mitchell reviewed the staff report and answered questions from Council.

Chang moved and Scharf seconded to authorize the City Manager to execute a Services Agreement with Avocette Technologies, Inc. in the amount of \$299,143 for the implementation of Accela Permitting and Land Management System which represents \$139,143 in additional funding above the original June 21, 2017 contract of \$160,000 for a total of \$299,143. The motion carried unanimously with Vaidhyanathan absent.

12. Subject: Second Amendment to the Agreement between the City of Cupertino (City) and Recology Cupertino (Recology) for the Solid Waste Services Franchise Agreement

Recommended Action: 1. Adopt Resolution 17-121 to approve the Second Amendment to the Solid Waste Services Franchise Agreement, extending the expiration of the current Agreement (November 1, 2010 through January 31, 2019) to January 31, 2021 and including an option to negotiate a new ten year agreement with Recology that could begin as early as January 31, 2021, contingent upon Recology meeting Second Amendment requirements; and 2. Authorize a payment of \$5,365 to Recology Cupertino from the Resource Recovery fund 520-81-801 to cover additional costs to process commercial organic materials collected in calendar year 2016.

13. Subject: Establish a Zero Waste Policy for the City of Cupertino  
Recommended Action: Adopt Resolution 17-122 to establish and authorize a Zero Waste Policy for the City of Cupertino
14. Subject: 2018 Pavement Maintenance Project, Project No. 2018-101 contract award  
Recommended Action: Authorize the City manager to award a contract to G. Bortolotto & Co. in the amount of \$3,077,777 and approve a construction contingency of \$307,000, for a total of \$3,384,777.
15. Subject: 2017-18 Comprehensive Facility Condition and Use Assessments  
Recommended Action: Authorize the City Manager to negotiate and execute the 2017-18 Comprehensive Facility Condition and Use Assessments agreement with The KPA Group within the established budget of \$200,000.

Written communications for this item included a supplemental staff report.

Under Postponements, this item was continued to January 16, 2018.

## SECOND READING OF ORDINANCES

16. Subject: Second reading of an ordinance to establish regulations regarding adult use (recreational) and medicinal marijuana by adding a new Chapter 10.84, Medicinal and Adult Use of Marijuana, in Title 10, amending Chapter 19.08, Definitions, to repeal definitions related to Marijuana and amending Chapter 19.98, Medical Marijuana, to update and reference the newly established Chapter. (Application No(s): MCA-2017-04; Applicant(s): City of Cupertino; Location: Citywide)  
Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 17-2169: "An Ordinance of the City Council of the City of Cupertino adding Chapter 10.84 titled "Medicinal and Adult Use of Marijuana" to Title 10 of the

Cupertino Municipal Code; amending Section 19.08.030 to repeal Definitions related to Marijuana; and amending Chapter 19.98 to reference the newly adopted ordinance.”

Principal Planner Piu Ghosh reviewed the staff report.

City Clerk Grace Schmidt read the title of the ordinance.

Chang moved and Sinks seconded to read Ordinance No. 17-2169 by title only and that the City Clerk’s reading would constitute the second reading thereof. Ayes: Paul, Sinks, Chang, and Scharf. Noes: None. Abstain: None. Absent: Vaidhyanathan.

Chang moved and Sinks to enact Ordinance No. 17-2169. Ayes: Paul, Sinks, Chang, and Scharf. Noes: None. Abstain: None. Absent: Vaidhyanathan.

## **PUBLIC HEARINGS**

17. Subject: Consider an ordinance to amend regulations in Title 19, Zoning of the Municipal Code with regard to Accessory Dwelling Units, including Chapter 19.08, Definitions, and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 zones (Application No(s): MCA-2017-05; Applicant(s): City of Cupertino; Location: Citywide)  
Recommended Action: That the City Council: 1. Find that the proposed actions are exempt from CEQA; and 2. Conduct the first reading of Ordinance No. 17-2170: “An Ordinance of the City Council of the City of Cupertino amending Chapter 19.08, Definitions and Chapter 19.112, Accessory Dwelling Units in R-1, RHS, A and A-1 Zones (Residential Zoning Districts) to conform to new state laws.”

Written communications for this item included a letter to Council and a staff presentation.

Principal Planner Piu Ghosh reviewed the staff report.

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

Josh from Silicon Valley At Home  
Jennifer Griffin (Cupertino resident)

Mayor Paul closed the public hearing.

City Clerk Grace Schmidt read the title of the ordinance.

Chang moved and Scharf seconded to find that the proposed actions are exempt from CEQA and to read Ordinance No. 17-2170 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Paul, Sinks, Chang, and Scharf. Noes: None. Abstain: None. Absent: Vaidhyanathan.

## ORDINANCES AND ACTION ITEMS

18. Subject: Adopt the 2017 Cupertino Pedestrian Transportation Plan and Mitigated negative Declaration for the 2017 Cupertino Pedestrian Transportation Plan  
Recommended Action: Adopt Resolution No. 17-123 adopting the 2017 Cupertino Pedestrian Transportation Plan and the Mitigated Negative Declaration for the 2017 Cupertino Pedestrian Transportation Plan

Written communications for this item included a supplemental staff report.

Under Postponements, this item was continued to February 20, 2018.

## REPORTS BY COUNCIL AND STAFF

19. Subject: Report on Committee assignments and general comments  
Recommended Action: Report on Committee assignments and general comments

City Manager David Brandt noted that City Hall would be closed for the holiday next week, the first meeting in January has been cancelled, and the next meeting would be January 16.

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

## ADJOURNMENT

At 9:50 p.m., Mayor Paul adjourned the meeting.

/s/Grace Schmidt  
Grace Schmidt, City Clerk