



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 20, 2020**

REGULAR CITY COUNCIL MEETING

At 6:00 p.m. Mayor Steven Scharf called the Regular City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Steven Scharf, Vice Mayor Darcy Paul, and Councilmembers Rod Sinks and Jon Robert Willey. Recused: Liang Chao. Absent: None. All Councilmembers teleconferenced for the meeting.

CLOSED SESSION

1. Subject: Conference with Legal Counsel pursuant to Government Code section 54956.9(d)(1); Existing Litigation, Vallco Property Owner LLC v. City of Cupertino; Santa Clara County Superior Court, Case No. 19CV355457 (2019 Vallco General Plan and Zoning Amendments)

In open session, Mayor Scharf announced that Council discussed with legal counsel this pending litigation for which discussion in open session would prejudice the City in the litigation. No reportable action was taken.

Councilmember Chao recused herself out of an abundance of caution due to the location of her property.

RECESS

At 6:45 p.m. Mayor Steven Scharf reconvened the Regular City Council meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Steven Scharf, Vice Mayor Darcy Paul, and Councilmembers Liang Chao, Rod Sinks, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

CEREMONIAL MATTERS AND PRESENTATIONS

2. Subject: Proclamation recognizing Anika Palloapothu for being a finalist in the nation's premier STEM competition for middle school students
Recommended Action: Present proclamation recognizing Anika Palloapothu for being a finalist in the nation's premier STEM competition for middle school students

Anika Palloapothu received the proclamation.

Mayor Scharf presented the proclamation recognizing Anika Palloapothu for being a finalist in the nation's premier STEM competition for middle school students.

POSTPONEMENTS – None

ORAL COMMUNICATIONS

Rhoda Fry talked about Supervisor Joe Simitian initiating a review of the Santa Clara County Department of Planning and Development's oversight of Stevens Creek Quarry (SCQ).

REPORTS BY COUNCIL AND STAFF (10 minutes)

3. 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, testing opportunities, and new health order for indoor dining and gatherings; City events and Halloween guidance; homeless encampments; and official ballot box and voting center locations.

Council received the City Manager update on emergency response efforts.

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

Councilmembers highlighted the activities of their various committees.

CONSENT CALENDAR

Paul moved and Scharf seconded to approve the items on the Consent Calendar except for Items 9 which was pulled for discussion. Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the October 6 City Council minutes_
 Recommended Action: Approve the October 6 City Council minutes

6. Subject: Annual report of commission and committee members' terms expiring in January, 2021, and application submittal deadline and candidate interview dates in January, 2021.
 Recommended Action: Receive report on commission and committee members' terms expiring January, 30, 2021, and set an application submittal deadline of Friday, January 8, 2021 and candidate interview dates of Monday and Tuesday, January 25 and 26, 2021.

7. Subject: Cancel the January 5, 2021 Council meeting
 Recommended Action: Cancel the January 5, 2021 Council meeting

8. 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. 20-117 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.

9. Subject: FY 2020-21 Interim Budget and Key Projects Update
 Recommended Action: Accept City Manager's Interim Budget and Key Projects Report

Written Communications for this item included a staff presentation.

Finance Manager Zach Korach, Director of Public Works Roger Lee, and Director of Community Development Ben Fu gave a presentation.

Paul moved and Scharf seconded to accept the City Manager's Interim Budget and Key Projects Report. The motion carried unanimously.

SECOND READING OF ORDINANCES - None**PUBLIC HEARINGS**

10. Subject: Consider Municipal Code Amendments to CMC Chapter 10.48 Community Noise Control to regulate leaf blowers to implement the Fiscal Year 2020/21 City Council Work Program items related to ordinance updates on gas-powered leaf blowers. Application No(s): MCA-2020-002; Applicant(s): City of Cupertino; Location: Citywide.

Recommended Action: Conduct the Public Hearing and find:

- 1) that the proposed action is exempt from CEQA; and
- 2) Conduct the first reading of Ordinance No. 20-2213: "An Ordinance of the City Council of the City of Cupertino amending Chapter 10.48, Community Noise Control for Leaf Blower Regulations".

Written communications for this item included a staff presentation.

Associate Planner Jeff Tsumura gave a presentation.

Councilmembers asked questions and made comments.

Mayor Scharf opened the public hearing and, seeing no speakers, closed the public hearing period.

Council recessed from 8:18 p.m. to 8:25 p.m.

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2213: "An Ordinance of the City Council of the City of Cupertino amending Chapter 10.48, Community Noise Control for Leaf Blower Regulations".

Paul moved and Scharf seconded to read the title of Ordinance No. 20-2213 by title only as modified:

1. Modified Finding "e" to remove "types of" and added "of".
2. Revised Section 10.48.051(C) to read: C. After November 5, 2022, the use of any leaf blower other than a certified leaf blower is prohibited and shall only be used in a manner consistent with Section 10.48.080(A) and (B); and that the City Clerk's reading would constitute the first reading thereof.

Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

ORDINANCES AND ACTION ITEMS

11. Subject: Minor, cleanup amendments to the Cupertino Municipal Code
Recommended Action: Conduct the first reading of Ordinance No. 20-2214: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Section 2.04.010 (concerning regular meetings of the City Council); Section 2.28.040 (concerning powers and duties of the City Manager); Section 8.01.090 (concerning animals in City buildings); Chapter 11.08 (concerning bicycle licensing and registration); and Section 13.04.190 (concerning activities prohibited in City parks)."

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

Assistant to the City Manager Katy Nomura gave a presentation.

Councilmembers asked questions and made comments.

Mayor Scharf opened the public comment period and, seeing no speakers, closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2214: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Section 2.04.010 (concerning regular meetings of the City Council); Section 2.28.040 (concerning powers and duties of the City Manager); Section 8.01.090 (concerning animals in City buildings); Chapter 11.08 (concerning bicycle licensing and registration); and Section 13.04.190 (concerning activities prohibited in City parks)."

Paul moved and Scharf seconded to read the title of Ordinance No. 20-2214 by title only and that the City Clerk's reading would constitute the first reading thereof.

Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

12. Subject: Update Cupertino's annual minimum wage with an ordinance for a one-time adjustment to the City of Cupertino minimum wage to be consistent with the cities of Los Altos, Palo Alto, and Santa Clara such that the minimum wage will be consistent among those cities and the City of Cupertino in 2021 and in subsequent years to achieve a desired uniformity among the cities of Los Altos, Palo Alto, and Santa Clara
Recommended Action: Receive an update on regional minimum wage efforts and conduct the first reading of Ordinance No. 20-2215: "An Ordinance of the City Council to set the minimum wage for 2021 at \$15.65 per hour".

Written communications for this item included a staff presentation.

Economic Development Manager Angela Tsui gave a presentation.

Councilmembers asked questions and made comments.

Mayor Scharf opened the public comment period and, seeing no speakers, closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2215: "An Ordinance of the City Council of the City of Cupertino to set the minimum wage for 2021 at \$15.65 per hour".

Scharf moved and Chao seconded to read the title of Ordinance No. 20-2215 by title only and that the City Clerk's reading would constitute the first reading thereof.

Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

ORAL COMMUNICATIONS - CONTINUED (As necessary) - None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

- Added an agenda item regarding municipal code amendments to the Sign Ordinance (Willey/Scharf)
- Added a study session on the Lehigh cement plant and Stevens Creek Quarry (Willey/Sinks/Chao)

ADJOURNMENT

At 9:15 p.m., Mayor Scharf adjourned the meeting.



Kirsten Squarcia, City Clerk