



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 1, 2020**

SPECIAL MEETING

At 5:30 p.m. Mayor Steven Scharf called the Special 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.

STUDY SESSION

1. Subject: Study Session on Climate Action Plan 2.0 initial draft goals and vision statement
Recommended Action: Provide input and direction on the Climate Action Plan 2.0 initial draft goals and vision statement

Written communications for this item included a staff presentation.

Sustainability Manager Andre Duuvoort gave a presentation.

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

Pragya Natarajan, on behalf of Cupertino High School Environmental Club, supported a climate action plan, a 2030 deadline, and incentivizing electricity.

Gwyn Azar on behalf of Cupertino Youth Climate Action Team supported a climate action plan, an aggressive policy, and joining carbon neutral by 2030.

Jennifer Griffin supported sustainability goals, discussions on density building issues and new HVAC technologies, and was opposed switching from gas.

Sophia Wang, on behalf of Cupertino Youth Climate Action Team, supported adopting a replace on burnout ordinance, rebates, and Menlo Park's ordinance goals.

Dashiell Leeds, on behalf of Sierra Club Loma Prieta Chapter, supported an ordinance like Menlo Park's or Palo Alto's, adopting by 2030, and moving to full electrification.

Housing Commissioner Connie Cunningham (representing self), supported environmental justice, carbon neutral goals, and green infrastructure.

Shani Kleinhaus, on behalf of Santa Clara Valley Audubon Society, supported a climate action plan including biodiversity for nature and sustaining local species.

Planning Commissioner Kitty Moore (representing self) supported transitioning from wood heating, new HVAC technologies, and improving diversion rates of recyclables.

Mayor Scharf closed the public comment period.

Councilmembers asked questions and made comments.

There was overall support to explore aggressive climate action goals if the data analysis is supportive and substantive.

ADJOURNMENT

REGULAR MEETING

At 6:45 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 Liang Chao, Rod Sinks, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

CEREMONIAL MATTERS AND PRESENTATIONS

POSTPONEMENTS

1. Subject: Municipal Code Amendments to update existing Mobile Vending regulations, including but not limited to regulations in Chapter 5.48, and potential conforming edits to other chapters in the Municipal Code, including in Titles 5, 11, 13 and 19. Application No(s): MCA-2020-004; Applicant(s): City of Cupertino; Location: citywide. This item has been continued to December 15.
2. Subject: Approving City of Cupertino 2020 Transportation Impact Fee Nexus Study Update, increasing the Transportation Impact Fees, and amending Schedule B of the 2020-21 Fee Schedule to incorporate the increased fees. This item has been continued to December 15.

City Clerk Kirsten Squarcia noted that This item has been continued to January 19 instead of the December 15 date noted on tonight's agenda.

ORAL COMMUNICATIONS

Written Communications for this item included an email to Council.

Jennifer Griffin was concerned about the process for funding and introducing housing bills and loss of local control and supported greater transparency.

Michael Haas, on behalf of Charlene Lee, was concerned about the November 3, 2020 election results, her candidate biography posting on the City website, and development within the City.

Rhoda Fry was opposed to naming city buildings after individuals and honorary plaques in recognition of city leaders including the Library expansion project.

Viggie34 talked about taking photos of a homeless encampment next to Vallco, his interaction with encampment residents and the police, and his plans to file a lawsuit for compensation.

Charlene Lee was concerned about the conduct and results of the November 3, 2020 election, her candidate biography posting on the City website, and collection of her campaign signs.

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 the State's COVID-19 tier guidelines and Cupertino case counts and testing opportunities; Parks and Recreation activities; and a homeless encampment update regarding outreach and engagement for unhoused residents.

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

Scharf moved and Sinks seconded to approve the items on the Consent Calendar except for Item No. 8 which was pulled for discussion. Ayes: Scharf, Paul, Chao, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the November 17 City Council minutes_
Recommended Action: Approve the November 17 City Council minutes
6. Subject: Approve the November 19 City Council minutes
Recommended Action: Approve the November 19 City Council minutes.
7. Subject: Set hearing date on January 19, 2021 to declare a public nuisance (from weeds) and to consider objections for proposed removal; declare properties as having potential fire hazards from weeds or other potential nuisances for the Cupertino Weed Abatement Program.
Recommended Action: Adopt Resolution No. 20-136 declaring properties as having potential fire hazards from weeds or other potential nuisances; and set hearing on January 19, 2021 to declare a public nuisance and to consider objections for proposed removal.
8. Subject: Mitigation Fee Act - Annual & Five-Year Report - Fiscal Year 2019-2020_
Recommended Action: 1. Accept the Annual & Five-Year Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and 2. Adopt Resolution No 20-137 entitled "A Resolution of the Cupertino City Council Approving the Annual & Five-Year Development Impact Fee Report for FY Ending June 30, 2020 and Making Required Findings."

Scharf moved and Willey seconded to:

1. Accept the Annual & Five-Year Review of the City of Cupertino's Development Impact Fees (Government Code Section 66000 et seq.); and
2. Adopt Resolution No 20-137 entitled "A Resolution of the Cupertino City Council Approving the Annual & Five-Year Development Impact Fee Report for FY Ending June 30, 2020 and Making Required Findings."

The motion carried unanimously.

9. Subject: Consider changes to the part-time salary schedules for classifications and job series impacted by minimum wage adjustments.
Recommended Action: Adopt Resolution No. 20-138 establishing changes to part-time salary schedules for classifications impacted by minimum wage adjustments and realign wage increases with position advancement.

SECOND READING OF ORDINANCES

10. Subject: Second reading of Ordinance No. 20-2216 to amend Cupertino Municipal Code Chapter 2.40 (concerning the Disaster Council and the emergency management program).
Recommended Action: Conduct the second reading and enact Ordinance No. 20-2216: "An ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Chapter 2.40 (concerning the Disaster Council and the Emergency Management Program)."

City Clerk Kirsten Squarcia read the title of Ordinance No. 20-2216: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Chapter 2.40 (concerning the Disaster Council and the Emergency Management Program)."

Scharf moved and Willey seconded to read the title of Ordinance No. 20-2216 by title only and that the City Clerk's reading would constitute the second reading thereof.

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

Scharf moved and Willey seconded to enact Ordinance No. 20-2216.

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

PUBLIC HEARINGS

11. Subject: Municipal Code Amendments to adopt glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design. (Application No. MCA-2019-003 and MCA-2019-004; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: That the City Council:

1. Find the proposed actions are exempt from CEQA; and,
2. Conduct the first reading of Ordinance No. 20-2217 "An Ordinance of the City Council of the City of Cupertino Amending City Code to Add Chapter 19.102: Glass and Lighting Standards and to Amend Chapter 19.08 Definitions, Chapter 19.40 Residential Hillside (RHS) Zones, Chapter 19.60 General Commercial (GC) Zones, Chapter 19.72 Light Industrial (ML) and Industrial Park (MP) Zones, and Chapter 19.124 Parking Regulations to Implement Bird-Safe and Dark Sky Policies." (Attachment A)

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

Planning Manager Piu Ghosh and Senior Planner Erick Serrano gave a presentation.

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

Jill Halloran supported dark skies and bird safe design.

Shani Kleinhaus, on behalf of the Santa Clara Valley Audubon Society, supported the Dark Sky and Bird-Safe Design Ordinance

Housing Commissioner Connie Cunningham (representing self) supported the Dark Sky and Bird-Safe Design Ordinance

Peter Friedland supported the Dark Sky and Bird-Safe Design Ordinance

Lisa Karpinski supported the Dark Sky and Bird-Safe Design Ordinance

Mike Rhode was concerned about retail risks, lighting restrictions, and security and safety, and supported postponing the item.

Greg Whitney was concerned about impacts on retail and restaurants, security and safety, and uninviting lighting aspects, and supported looking at other cities first.

Jean Bedord was concerned tax implications on business structures, overregulating commercial activity, and conducting commercial-community outreach.

Dashiell Leeds, on behalf of the Sierra Club Loma Prieta Chapter, supported the Dark Sky and Bird-Safe Design Ordinance.

Rhoda Fry supported the Dark Sky and Bird-Safe Design Ordinance.

Anjali Kausar, on behalf of the Chamber Commerce, was concerned about further outreach to businesses and supported postponing the item.

Rose Friedland supported the Dark Sky and Bird-Safe Design Ordinance.

Planning Commissioner Kitty Moore (representing self) was concerned about string lighting regulations and addressing commercial area concerns.

Mayor Scharf closed the public hearing.

Council recessed from 8:30 p.m. to 8:35 p.m.

Councilmembers asked questions and made comments.

Paul moved to call the question. The motion carried with Sinks voting no.

Paul moved and Chao seconded to continue this item until December 15. The motion carried with Sinks voting no.

ORDINANCES AND ACTION ITEMS

12. Subject: Updated Administrative Procedures Within the Community Funding Grant Policy.

Recommended Action: Review and adopt updated administrative procedures within the Community Funding Grant Policy, including an earlier submission date for applications, program funding range, and affirmation that all qualified applicant materials will be brought to City Council.

Written communications for this item included a staff presentation, Amended Attachment B – Community Funding Policy (redline version), and Amended Attachment C - Community Funding Policy (clean version).

Director of Parks and Recreation Joanne Magrini gave a presentation.

Councilmembers asked questions and made comments.

Scharf moved and Sinks seconded to adopt updated administrative procedures within the Community Funding Grant Policy, including an earlier submission date for applications, program funding range, and affirmation that all qualified applicant materials will be brought to City Council. The motion carried unanimously.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

- Added a future agenda item to discuss nonprofit funding as a line item in the budget (Chao/Scharf)
- Added a future agenda item to review existing policy for naming public buildings, donations, and recognition strategies (Chao/Scharf)

ADJOURNMENT

At 10:13 p.m., Mayor Scharf adjourned the meeting.



Kirsten Squarcia, City Clerk