



CUPERTINO

**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 19, 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: Proclamation recognizing October 19 as Boris Stanley Day in Cupertino
Recommended Action: Present proclamation recognizing October 19 as Boris Stanley Day in Cupertino

Boris Stanley received the proclamation and a plaque.

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

Jennifer Griffin supported the proclamation honoring Boris Stanley.

Mayor Paul closed the public comment period.

Mayor Paul presented the proclamation recognizing October 19 as Boris Stanley Day in Cupertino.

2. Subject: Presentation of 2021 Helen Putnam Award for Excellence by the League of California Cities
Recommended Action: Receive 2021 Helen Putnam Award for Excellence Program's Ruth Vreeland Award for Excellence in Engaging Youth in City Government for "Pizza and Politics" program

Seth Miller, Regional Public Affairs Manager, Peninsula Division for the League of California Cities, presented the award.

Mayor Paul and Former Teen Commission Chair and Pizza and Politics moderator Kelly Tung received the 2021 Helen Putnam Award for Excellence Program's Ruth Vreeland Award for Excellence in Engaging Youth in City Government for the "Pizza and Politics" program.

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Jennifer Griffin was concerned about loss of local control, recent housing bills, and leadership in Sacramento and Washington DC.

Lisa Warren supported Municipal Code amendments for privacy screening and balconies and defining architectural features in development. (Submitted written comments).

Tara Pillai, on behalf of the Menstrual Equality Committee, supported free and accessible menstrual products and reducing the stigma surrounding periods. (Submitted written comments).

REPORTS BY COUNCIL AND STAFF (10 minutes)

3. Subject: Brief reports on councilmember activities and brief announcements
Recommended Action: Receive brief reports on councilmember activities and brief announcements

Council received brief reports on councilmember activities and brief announcements.

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

Councilmembers highlighted the activities of their various committees.

5. Subject: City Manager update
Recommended Action: Receive City Manager updates on emergency response efforts and other City business

Interim City Manager Greg Larson reported on the Jollyman Dog Off-Leash Area (DOLA), Via-Cupertino Shuttle, upcoming City events, and COVID-19 mask mandates, vaccinations, case rates, and testing.

Council received the City Manager updates on emergency response efforts and other City business.

CONSENT CALENDAR (Items 6-14)

Moore moved and Wei seconded to approve the items on the Consent Calendar except for Items 10 and 13 which were pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the October 5 City Council minutes
Recommended Action: Approve the October 5 City Council minutes
7. Subject: Approve the October 10 City Council minutes
Recommended Action: Approve the October 10 City Council minutes
8. Subject: Annual report of commission and committee members' terms expiring in January, 2022, and application submittal deadline and candidate interview dates in January, 2022
Recommended Action: Receive report on commission and committee members' terms expiring January, 30, 2022, and set an application submittal deadline of Friday, January 7, 2022 and candidate interview dates of Monday and Tuesday, January 24 and 25, 2022
9. Subject: Consider cancellation of the January 4, 2022 City Council meeting
Recommended Action: Cancel the January 4, 2022 City Council meeting
10. Subject: Consider Accepting Accounts Payable for pay period ending September 6, 2021
Recommended Action: Adopt Resolution No. 21-093 accepting Accounts Payable for pay period ending September 6, 2021

Chao moved and Wei seconded to adopt Resolution No. 21-093 accepting Accounts Payable for pay period ending September 6, 2021. The motion carried unanimously.

11. Subject: Consider Accepting Accounts Payable for pay period ending September 13, 2021
Recommended Action: Adopt Resolution No. 21-094 accepting Accounts Payable for pay period ending September 13, 2021

12. Subject: Consider Accepting Accounts Payable for pay period ending September 20, 2021
Recommended Action: Adopt Resolution No. 21-095 accepting Accounts Payable for pay period ending September 20, 2021
13. Subject: Consider Accepting Accounts Payable for pay period ending September 27, 2021
Recommended Action: Adopt Resolution No. 21-096 accepting Accounts Payable for pay period ending September 27, 2021

Chao moved and Wei seconded to adopt Resolution No. 21-096 accepting Accounts Payable for pay period ending September 27, 2021. The motion carried unanimously.

14. Subject: Consider a donation from an anonymous donor for a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino.
Recommended Action: Authorize the following regarding a plaque commemorating the Rolling Hills 4-H Club's founding in Cupertino:
- 1) Acceptance of the plaque donation;
 - 2) Wording of the plaque; and
 - 3) Installation at the McClellan Ranch property leased to the Rolling Hills 4-H Club.

SECOND READING OF ORDINANCES

15. Subject: Consider the second reading of Ordinance No. 21-2230 amending Cupertino Municipal Code Sections 19.56.030 (Table 19.56.030), 19.56.030F, 19.56.040, and Table 19.56.040A and the addition of Section 19.56.080 (Density Bonus Ordinance) to allow density bonuses and other incentives as provided by state law and a new Section 19.56.080 providing that the Density Bonus Ordinance will be interpreted consistent with state density bonus law. (Application No: MCA-2021-003; Applicant: City of Cupertino; Location: Citywide.)
Recommended Action: Conduct second reading and enact Ordinance No. 21-2230: "An Ordinance of the City Council of the City Cupertino amending Cupertino Municipal Code sections 19.56.030A (table 19.56.030), 19.56.030F, table 19.56.040A and adding section 19.56.080 (Density Bonus Ordinance) to allow density bonuses and other incentives as provided by state law" (Attachment A).

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

Jennifer Griffin supported sufficient due diligence and was concerned about the impacts of recent housing bills on cities.

Mayor Paul closed the public comment period.

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2230: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code sections 19.56.030A (table 19.56.030), 19.56.030F, table 19.56.040A and adding section 19.56.080 (Density Bonus Ordinance) to allow density bonuses and other incentives as provided by state law."

Chao moved and Willey seconded to read Ordinance No. 21-2230 by title only, and that the City Clerk's reading constitutes the second reading thereof; and to enact Ordinance No. 21-2230. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

16. Subject: Consider the second reading of Ordinance No. 21-2231: "An Ordinance of the City Council of the City of Cupertino Amending City Code to Repeal Section 6.24.037, Adopt a New Section 6.24.037, Adopt a New Section 6.24.038, and Amend Sections 6.24.010, 6.24.020, 6.24.060, 6.24.240, and 9.16.030, to Mandate Organic Waste Disposal Reduction."

Recommended Action: Conduct Second Reading and Enact Ordinance No. 21-2231: "An Ordinance of the City Council of the City of Cupertino Amending City Code to Repeal Section 6.24.037, Adopt a New Section 6.24.037, Adopt a New Section 6.24.038, and Amend Sections 6.24.010, 6.24.020, 6.24.060, 6.24.240, and 9.16.030, to Mandate Organic Waste Disposal Reduction," (Attachment A).

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2231: "An Ordinance of the City Council of the City of Cupertino Amending City Code to Repeal Section 6.24.037, Adopt a New Section 6.24.037, Adopt a New Section 6.24.038, and Amend Sections 6.24.010, 6.24.020, 6.24.060, 6.24.240, and 9.16.030, to Mandate Organic Waste Disposal Reduction."

Chao moved and Willey seconded to read Ordinance No. 21-2231 by title only, and that the City Clerk's reading constitutes the second reading thereof; and to enact Ordinance No. 21-2230. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

Council recessed from 7:59 p.m. to 8:05 p.m.

PUBLIC HEARINGS

17. Subject: Consider adopting amendments to the Cupertino General Plan to add clarity to existing language in Chapter 3 (Land Use) in Figure LU-2, Policy LU-1.1 and Goal LU-13, and to add emphasis to existing language in Chapter 6 (Environmental Resources and Sustainability) (Strategy ES-6.1.1), and Cupertino Municipal Code Title 17, Environmental Regulations, to add a new Chapter, Chapter 17.04, to adopt standard environmental protection requirements for construction, development and other similar or related activities. (Application No(s): GPA-2021-001, MCA-2021-004; Applicant(s): City of Cupertino; Location: citywide)

Recommended Action: That the City Council adopt the:

1. Resolution No. 21-097 (Attachment A) adopting the Addendum (Addendum No. 5 to the 2014 General Plan EIR) addressing the environmental effects of the proposed changes and the proposed amendments to the Cupertino General Plan (Attachment 2); and
2. Introduce and conduct the first reading of Ordinance No. 21-2232 (Attachment B), "An Ordinance of the City Council of the City of Cupertino adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Cupertino Municipal Code."

Written Communications for this item included a staff presentation.

Community Development Director Ben Fu introduced the item.

Planning Manager Piu Ghosh gave a presentation.

Terri McCracken, Associate Principal at PlaceWorks, answered questions.

Councilmembers asked questions and made comments.

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

Lisa Warren supported language allowing for future changes if necessary, amending privacy screening and balcony definitions, and conducting a community workshop.

Jennifer Griffin supported the proposed amendments, incorporating a mechanism to rewrite based on future housing bills, and concerns about architectural features.

Peggy Griffin supported modifications to the proposed amendments, including a map of cultural areas, and enforcement of the use of architectural features.

Mayor Paul closed the public hearing.

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2232, "An Ordinance of the City Council of the City of Cupertino adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Cupertino Municipal Code."

Chao moved and Moore seconded the staff recommendation to:

1. Adopt Resolution No. 21-097 with amendments adopting the Addendum (Addendum No. 5 to the 2014 General Plan EIR) addressing the environmental effects of the proposed changes and the proposed amendments to the Cupertino General Plan.

Chao's amendment's to Proposed GPA - Footnotes, Chapter 3 Figure LU-2:

Building Planes:

- Bullets 1 and 5 (both locations): ~~Architectural features that do not include usable area may encroach into the slope line.~~
 - Where slope lines or other applicable height and setback limits for projects adjacent to residential areas ~~is are~~ not established in a specific plan, conceptual zoning plan or land use plan and in any adopted design guidelines, ~~this will be established during project review~~ **project review shall be required.**
2. Read Ordinance No. 21-2232 by title only, and that the City Clerk's reading constitutes the first reading thereof.

The motion carried unanimously. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

ORDINANCES AND ACTION ITEMS – None

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Directed staff to look into the following potential agenda items:

- amending definitions for privacy screening and architectural enhancement in the Municipal Code (Willey/Chao)
- clarifying standards regarding neighborhood buffers for mixed-use urban village developments and setback and slope requirements along neighborhood streets in the General Plan (Willey/Chao)
- study feasibility of a school boundary change to bring the Apple Park parcel into the Cupertino Union School District (CUSD) (Chao/Willey/Moore)

ADJOURNMENT

At 10:27 p.m., Mayor Paul adjourned the Regular City Council Meeting.

A handwritten signature in cursive script, reading "Kirsten Squarcia".

Kirsten Squarcia, City Clerk