



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, June 18, 2019**

**SPECIAL CITY COUNCIL MEETING**

At 5:35 p.m. Mayor Steven Scharf called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

**ROLL CALL**

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

Vice Mayor Chao recused herself from this item and left the dais.

**STUDY SESSION**

1. Subject: Study Session regarding Vallco Shopping District Special Area Initial General Plan Amendments  
Recommended Action: That the City Council conduct the study session, receive the report and provide direction to staff regarding moving forward with initial Vallco Shopping District Special Area General Plan and Zoning Amendments to address height limits and office and residential development allocations.

Written communications for this item included emails to Council.

Assistant City Attorney Richard Taylor reviewed the staff report.

Mayor Scharf opened public comment and the following individuals spoke:

Edward Hirshfield (Cupertino resident))

Michael Lenihan (Cupertino resident)

Fariba Nejat (Cupertino resident)

Kevin McClelland

Greg Schaffer (Cupertino resident)

Sonia Trauss on behalf of CA Renters Legal Advocacy and Education Fund

Sujatha Venkatraman on behalf of West Valley Community Services

Lisa Warren (distributed written comments)

Neil Struthers

Jennifer Griffin

Jean Bedord (Cupertino resident)

Danessa Techmanski (Cupertino resident)

Kitty Moore (Cupertino resident)

Angela Rausch (Sunnyvale resident)

Govind (Cupertino resident)

Kelsey Banes

Mayor Scharf closed public comment.

Council comments included:

Wiley: supports housing; duty to represent residents of Cupertino and get as much housing as can; 2 million square feet of office means roughly 10,000 workers; adding a lot of housing and a lot of workers, does that help?; want housing without making situation worse; need to make good decisions for the community; noted some projects shown to be successful that have housing and no office and are cost effective; can do similar things at Vallco; missing a downtown in Cupertino; now have last largest parcel of land and need a downtown for Cupertino; can be a win for developer to make a lot of money and housing will help a lot of people and residents will have a downtown area; need to leave the 2 million square foot of office out because it hurts the housing issue; wants to hear from every resident in Cupertino; will always vote for a majority of the residents in Cupertino; will do a lot of outreach in Cupertino; supports option 2 to keep housing allocation and remove office; stick with objective requirement of 5 stories and would consider higher if enough sufficient reason; once put in 7 stories as objective standard Council doesn't have authority to acquire a downtown area and runs risk to maximize profit with 7 stories throughout and no downtown.

Paul: Agree with removal of office allocation because it hurts jobs and housing; need an agreeable housing number; 389 units allocation (in staff report); if take away office and stick with current housing allocation can add more housing in the future; have to work with metric of housing/jobs balance; work to make transit as good as can make it; have a conversation if any office is needed; need to deliver housing units as per community and Council interest; expectation of community amenities and what other usage of the space is there; supports option 2 with removal of office and setting height limit 5-7 story range; no policy for going higher unless have affordable housing units; create envelope generally adhered to unless affordable housing; need housing units so no support for option B

(removing both office and housing); housing crisis so choose housing and remove office allocation; propose a way to have housing allocation credits for upcoming cycle which would be more compelling for justification to increase number of housing units; maybe a phased plan; 35 dwelling units per acre; how deliver more units and make economically viable; wrap extremely low income housing into factors as well.

Sinks: Councilmembers say they want to hear from every resident but dismissed vote on Vallco Specific Plan; say want more alternatives to SB35; if downzone property give message to State, etc. about building housing which we need; if keep developer in court, what expect them to do?; stop throwing out barriers; downzoning property will bring this to the courts to decide; need to build relationship with developer, leave allocation alone and give them a good faith effort; don't downzone and take away office allocation; shows Council not really serious about picking a project to agree on.

Scharf: Jobs housing balance is arithmetic and it makes it worse for workers and not better; not opposed to building more housing but opposed to worsening housing/jobs balance (approve too much office and not enough housing); Hamptons would have to be torn down under Plan A and rebuilt; regarding vote to rescind resolutions and ordinance and signatures to put on ballot, if had heard from someone about wanting an election might have gone differently; agrees with Paul to remove 2 million square feet of office; okay for more than 389 housing units as in Plan A; supports option to take away office; 6 stories okay.

Council directed staff to prepare an initial General Plan Amendment for the Vallco site that would remove the office allocation and streamline housing development at the site. Specifically:

- Remove the 2,000,000 sf office allocation;
- Retain the existing housing allocation (389 units) and allow that housing to be developed by right, without approval of a specific plan; and
- Allow building heights of five to six stories.

Council also directed that the amendments reference the potential for additional housing units at the site, especially affordable and extremely low-income housing and housing for the developmentally disabled, with City approval of a specific plan and directed staff to begin the planning process to significantly increase the by right housing allocation for the site (Chao Recused).

**ADJOURNMENT****REGULAR CITY COUNCIL MEETING****PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

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

**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamations recognizing the Monta Vista High School Boys Volleyball Team for winning the NorCal Championship  
Recommended Action: Present Proclamations recognizing the Monta Vista High School Boys Volleyball Team for winning the NorCal Championship

A video was presented showing the winning points of the game. Mayor Scharf presented proclamations recognizing the Monta Vista High School Boys Volleyball Team for winning the NorCal Championship.

2. Subject: Proclamation for June as Immigrant Heritage Month  
Recommended Action: Present proclamation for June as Immigrant Heritage Month

This item was not heard as the recipient was not present.

3. Subject: Proclamation declaring July as Park and Recreation month  
Recommended Action: Present proclamation declaring July as Park and Recreation month

A video was presented showing activities provided by the department. Mayor Scharf presented a proclamation declaring July as Park and Recreation month.

4. Subject: Sustainability Commission Accomplishments Presentation  
Recommended Action: Receive Sustainability Commission Accomplishments Presentation

Written communications for this item included a presentation.

Sustainability Commission Chair Anna Weber and Vice Chair Gary Latshaw gave a presentation on the Commissions' accomplishments.

## **POSTPONEMENTS**

City Clerk Grace Schmidt noted that item number 24 regarding weed abatement could be tabled because the one parcel on the list was abated.

## **ORAL COMMUNICATIONS**

Jennifer Griffin talked about Highway 17.

Sue Ranney (Cupertino resident) talked about Regnart Creek Trail (oppose) and put money toward safer street crossings at Miller, E. Estates, and Blaney.

Shilpa Baduc (Cupertino resident) talked about Regnart Creek Trail (support).

Larry Dean (Cupertino resident) on behalf of Walk Bike Cupertino talked about Regnart Creek Trail (support).

Huang family talked about a second-story structure she built on her property and issues regarding fines, harassment, and unfair process.

Rhoda Fry talked about Lehigh Cement Plant and Stevens Creek Quarry.

Julia Miyakawa (Cupertino resident) talked about Regnart Creek Trail (oppose).

Dave Wyckoff (Cupertino resident) talked about Regnart Creek Trail (oppose).

Beth Knodel (Cupertino resident) talked about Regnart Creek Trail (oppose).

Kathy R. Chole (Cupertino resident) talked about Regnart Creek Trail (oppose).

John Liu (Cupertino resident) talked about Regnart Creek Trail (oppose).

Ilango Ganga (Cupertino resident) talked about Regnart Creek Trail (oppose).

Gary Wong (Cupertino resident) on behalf of Campo De Lozano HOA talked about Regnart

Creek Trail (oppose).

Lisa Warren talked about Items of Interest memo received from the City Manager; recent Town Hall Meeting; and Regnart Creek Trail (oppose).

Jeonghee Yi (Cupertino resident) talked about Regnart Creek Trail (oppose).

Snow Gao (Cupertino resident) talked about Regnart Creek Trail (oppose).

Stella (Cupertino resident) talked about Regnart Creek Trail (oppose).

Tony Fong (Cupertino resident) on behalf of Longacre HOA talked about Regnart Creek Trail (oppose).

Benaifer Dastoor (Cupertino resident) talked Regnart Creek Trail (oppose).

Linda Wyckoff (Cupertino resident) talked about Regnart Creek Trail (oppose).

#### **REPORTS BY COUNCIL AND STAFF (10 minutes)**

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

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

#### **CONSENT CALENDAR**

Paul moved and Sinks seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 9 and 12 which were pulled for discussion. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the May 13 City Council minutes  
Recommended Action: Approve the May 13 City Council minutes
7. Subject: Approve the May 21 City Council minutes  
Recommended Action: Approve the May 21 City Council minutes
8. Subject: Approve the May 29 City Council minutes  
Recommended Action: Approve the May 29 City Council minutes

9. Subject: Housing Commission FY 2019-20 Work Program  
Recommended Action: Approve the Housing Commission FY 2019-20 Work Program

Written communications for this item included the Housing Commission FY 2019-20 Work Program.

Senior Housing Planner Kerri Heusler reviewed the staff report.

Mayor Scharf opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Scharf closed public comment.

Councilmembers commented (Vice Mayor Chao distributed written comments).

Paul moved and Sinks seconded to approve the Housing Commission FY 2019-20 Work Program with the following changes:

- Change attend meetings to “follow meetings” to include livestream option
- Include HCD meetings
- Look into San Jose ADU program (proposed May 2019)

The motion carried unanimously.

10. Subject: Sustainability Commission FY 2019-20 Work Program  
Recommended Action: Approve the Sustainability Commission FY 2019-20 Work Program
11. Subject: Approve Amendments to existing lease agreements with Friends of the Stevens Creek Trail and the Santa Clara Valley Audubon Society for office space at the McClellan Ranch Preserve ranch house to extend the leases for a period of one year, through June 30, 2020  
Recommended Action: Authorize the City Manager to execute amendments to existing lease agreements with Friends of the Stevens Creek Trail and the Santa Clara Valley Audubon Society for office space at the McClellan Ranch Preserve ranch house to extend the lease for a period of one year, through June 30, 2020 under the renewal terms of the lease
12. Subject: Authorize the City Manager to execute an Antenna Ground Lease Agreement to replace a prior agreement between the City of Cupertino and T-Mobile West Tower LLC, a

Delaware Limited Liability Company for an existing cell tower at the Cupertino Service Center located at 10555 Mary Avenue, Cupertino

Recommended Action: Adopt Resolution 19-063 to authorize the City Manager to execute an Antenna Ground Lease Agreement to replace a prior agreement between the City of Cupertino and T-Mobile West Tower LLC, a Delaware Limited Liability Company

City Engineer and Acting Assistant Director of Public Works Chad Mosely reviewed the staff report.

Jennifer Jackson on behalf of T-Mobile said she was available to answer any questions.

Sinks moved and Scharf seconded to adopt Resolution 19-063 to authorize the City Manager to execute an Antenna Ground Lease Agreement to replace a prior agreement between the City of Cupertino and T-Mobile West Tower LLC, a Delaware Limited Liability Company. The motion carried unanimously.

13. Subject: Adopt a Resolution authorizing the City Manager to vote "yes", sign, and submit the Clean Water and Storm Protection fee ballots on behalf of the City for the parcels owned by the City that are subject to the fee  
Recommended Action: Adopt Resolution 19-064 authorizing the City Manager to vote "yes", sign and submit the ballots on behalf of the City for the parcels owned by the City that are subject to the proposed 2019 Clean Water and Storm Protection fee
14. Subject: Resolution adopting Cupertino's Emergency Operations Plan  
Recommended Action: Adopt Resolution No. 19-065 adopting the 2019 update to the City of Cupertino's Emergency Operations Plan
15. Subject: 2019 Pavement Maintenance Phase 2 Project, Project No. 2019-109  
Recommended Action: Authorize the City Manager to award a contract to Graham Contractors, Inc., in the amount of \$373,416.03 and approve a construction contingency of \$37,000, for a total of \$410,416.03
16. Subject: 2019 Reconstruction of Curbs, Gutters and Sidewalks, Project No. 2019-110  
Recommended Action: Authorize the City Manager to award a contract to Spencon Construction, Inc., in the amount of \$1,010,850 and approve a construction contingency of \$100,000, for a total of \$1,110,850

## **SECOND READING OF ORDINANCES – None**

Sinks moved and Scharf seconded to reorder the agenda to hear item numbers 21 and 22

under Ordinances and Action Items before item number 17. The motion carried unanimously.

## ORDINANCES AND ACTION ITEMS

21. Subject: Implementation of 18-month pilot program for on-demand community shuttle with Via

Recommended Action:

1. Authorize staff to pursue developing an 18-month pilot program (Alternative A), for an on-demand shuttle at a not-to-exceed cost of \$1.75M to be included in the FY19/20 operating budget; and
2. Find that use of formal competitive bidding procedures is not practical for the 18-month pilot program because Via is the sole source provider of a community shuttle program at this time and direct the City Manager to dispense with City bidding requirements pursuant to the Cupertino Municipal Code § 3.22.060
3. Direct the City Attorney to enter into contract negotiations with Via for subsequent Council consideration

Written communications for this item included a presentation.

Senior Transit & Transportation Planner Chris Corrao reviewed the presentation.

Consultants and staff answered questions from Council.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin

Lisa Warren

Beth Knodel (Cupertino resident)

Mayor Scharf closed public comment.

Paul moved and Sinks seconded to:

1. Authorize staff to pursue developing an 18-month pilot program (Alternative A), for an on-demand shuttle at a not-to-exceed cost of \$1.75M to be included in the FY19/20 operating budget; and
2. Find that use of formal competitive bidding procedures is not practical for the 18-month pilot program because Via is the sole source provider of a community shuttle program at

this time and direct the City Manager to dispense with City bidding requirements pursuant to the Cupertino Municipal Code § 3.22.060

3. Direct the City Attorney to enter into contract negotiations with Via for subsequent Council consideration

The motion carried unanimously.

Council recessed from 9:28 p.m. to 9:35 p.m.

Sinks moved and Chao seconded to hear item number 23 next regarding brush abatement under Ordinances and Action Items. The motion carried with Willey absent.

23. Subject: Brush Abatement Program hearing to consider objections to proposed removal of brush and order abatement of the public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 19-057.

Recommended Action:

1. Conduct Brush Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing brush; and
2. Adopt Resolution No. 19-075 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 19-057.

City Clerk Grace Schmidt reviewed the staff report.

Mayor Scharf opened the hearing. There were no speakers and Mayor Scharf closed the hearing.

Paul moved and Scharf seconded to adopt Resolution No. 19-075 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.320) regarding Defensible space (brush) and Resolution No. 19-057. The motion carried with Willey absent.

Councilmember Willey returned to the dais.

The meeting continued with item number 22.

Councilmember Sinks recused himself from this item and left the dais.

22. Subject: Donation for the funding of select projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audits and Mary Avenue Protected Bikeway

Recommended Action:

1. Authorize the City Manager to execute a multi-year grant donation agreement per the conditions specified in Attachment A in the amount of \$9,792,418 for the funding of select projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audit and Mary Avenue Protected Bikeway; and
2. Authorize the Director of Public Works to apply excess donation funds from any one completed project to other projects identified in the donation as needed and per the conditions specified in Exhibit A of the Grant Agreement; and
3. Approve a Budget Appropriation for FY19/20 totaling \$9,792,418; and
4. Authorize the hiring of a new two-year limited term Assistant Engineer level position at a cost not to exceed \$175,000 per year

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

Acting Director of Public Works Roger Lee reviewed the presentation.

Mayor Scharf opened public comment and the following individuals spoke:

Jennifer Griffin

Ilango Ganga (Cupertino resident)

Lisa Warren

Mayor Scharf closed public comment.

Paul moved and Willey seconded to:

1. Authorize the City Manager to execute a multi-year grant donation agreement per the conditions specified in Attachment A in the amount of \$9,792,418 for the funding of select projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audit and Mary Avenue Protected Bikeway; and
2. Authorize the Director of Public Works to apply excess donation funds from any one completed project to other projects identified in the donation as needed and per the conditions specified in Exhibit A of the Grant Agreement; and
3. Approve a Budget Appropriation for FY19/20 totaling \$9,792,418; and
4. Authorize the hiring of a new two-year limited term Assistant Engineer level position at a cost not to exceed \$175,000 per year

Amendment Addition: 5. Designate the Mayor or, as scheduling-based needs require, a non-recused Councilmember selected by the Mayor, as the Council representative at weekly or regular meetings with City staff and Apple representatives to work on the completion of Phase 1 projects and start planning the next set of partnership opportunities.

The motion carried with Sinks recusing.

Councilmember Sinks returned to the dais.

## **PUBLIC HEARINGS**

17. Subject: Public hearing to consider and approve the Capital Improvement Plan (CIP); and the Recommended Budget for Fiscal Year (FY) 2019-20; and the Adoption of the Recommended Budget; and Establishment of the Appropriation Limit, and related actions; or take other action to approve interim expenditures.

Recommended Action:

1. Adopt Resolution No. 19-066 establishing an Operating Budget for FY 2019-20
  - a. Approve an additional \$1,750,000 in appropriations to fund the Community Shuttle Pilot Program
  - b. Approve Community Funding Requests of \$89,800 as included in the FY 2019-20 Operating Budget
  - c. Approve an additional \$132,695 in appropriations to fund one new full time, benefitted Accounting Technician Position
  - d. Approve an additional \$1,124,725 in appropriations to fund depreciation expense for FY 2019-20
  - e. Approve an additional \$12,533 in appropriations to fund contingency for City Manager Divisions.
  - f. Approve the removal of the HVAC request in the amount of \$30,000
  - g. Approve the hiring of a new two-year limited term Assistant Engineer level position at a cost not to exceed \$175,000 per year
2. Adopt Resolution No. 19-067 establishing a Capital Improvement Program budget of \$39,532,418 for FY 2019-20.
  - a. Approve \$14,870,000 of transfers out from the Capital Reserve to fund the Capital Improvement Program budget in FY 2019-20 as noted below:
    - \$13,470,000 to Capital Improvement Projects Capital Projects Fund
    - \$1,275,000 Cupertino Sports Center Enterprise Fund
    - \$125,000 to Recreation Programs Enterprise Fund

b. Approve Apple, Inc., donation in the amount of \$9,792,418 and appropriate \$9,792,418 to fund the projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audit, and Mary Avenue Protected Bikeway as follows:

- \$1,000,000 for McClellan Road Separated Bikeway Project (Byrne to Imperial) in Capital Improvement Projects Capital Projects Fund
  - \$1,000,000 for McClellan Road Separated Bikeway Project (Stelling to Torre) in Capital Improvement Projects Capital Projects Fund
  - \$160,000 for De Anza Blvd/McClellan Pacifica Signal Modification in Capital Improvement Projects Capital Projects Fund
  - \$430,000 for McClellan Road Sidewalk Improvements Project in Capital Improvement Projects Capital Projects Fund
  - \$2,035,000 for McClellan Road Sidewalk Improvements Project in Transportation Special Revenue Fund
  - \$1,800,000 for Junipero Serra Trail in Capital Improvement Projects Capital Projects Fund
  - \$1,980,555 for Bubba Road Project in Capital Improvement Projects Capital Projects Fund
  - \$165,000 for Mary Avenue Protected Bikeway in Capital Improvement Projects Capital Projects Fund
  - \$1,221,863 for School Walk Audit Projects in Capital Improvement Projects Capital Projects Fund
- c. Approve the removal in appropriations of \$65,000 for Bicycle Wayfinding Implementation
- d. Approve the reduction in appropriations of \$5,050,000 for Library Expansion
- e. Approve the additional \$1,500,000 in appropriations to fund the McClellan Ranch Preserve Community Garden Improvements
- f. Approve the reduction in appropriations for Capital Project Support for \$50,000
- g. Approve the reduction in appropriations for CIP Preliminary Planning & Design for \$125,000
- h. Approve the additional \$45,000 in appropriations to fund Street Light Installation - Annual Infill
- i. Approve the reduction in appropriations of \$662,400 for Solar EV Chargers at Sports Center
- j. Approve the removal in appropriations of \$2,200,000 for Linda Vista Trail

3. Adopt Resolution No. 19-068 establishing an Appropriation Limit of \$104,753,580 for FY 2019-20

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

Director of Administrative Services Kristina Alfaro reviewed the presentation.

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

Steve Garrity (Sunnyvale resident) on behalf of Friends of Stevens Creek Trail

Chris Mendible (San Jose resident), Associate Director of Stevens Creek Trail on behalf of Friends of Stevens Creek Trail

Jennifer Griffin

Subra Kumaraswamy (Cupertino resident)

Jennifer Furlong (Santa Clara resident), Executive Director of Historical Society and Museum on behalf of the Cupertino Historical Society and Museum

Donna Austin (Cupertino resident)

Luis Buhler (Cupertino resident)

Carol Stanek (Cupertino resident)

Kitty Moore

Sharon Blaine (Cupertino resident)

Ilango Ganga (Cupertino resident)

Jean Bedord

Mayor Scharf closed the public hearing.

Paul moved and Scharf seconded to:

1. Adopt Resolution No. 19-066 establishing an Operating Budget for FY 2019-20

a. Approve an additional \$1,750,000 in appropriations to fund the Community Shuttle Pilot Program

b. Approve Community Funding Requests of \$89,800 as included in the FY 2019-20 Operating Budget

c. Amendment: Approve subject to review and approval by the City Manager an additional \$132,695 in appropriations to fund one new full time, benefitted Accounting Technician Position.

d. Approve an additional \$1,124,725 in appropriations to fund depreciation expense for FY 2019-20

e. Approve an additional \$12,533 in appropriations to fund contingency for City Manager Divisions.

f. Approve the removal of the HVAC request in the amount of \$30,000

g. Amendment: Approve subject to review and approval by the City Manager the hiring of a new two-year limited term Assistant Engineer level position at a cost not to exceed \$175,000 per year

h. Amendment (addition): Designate an annual amount of \$20,000 as a base (or line) item for the Cupertino Historical Society.

i. Amendment (addition): Approve an appropriation for transfers out of the General Fund to the Capital Reserve in the amount of \$352,719 to fund library-expansion program room project

The motion carried unanimously.

Paul moved and Willey seconded to:

2. Adopt Resolution No. 19-067 establishing a Capital Improvement Program budget of \$41,202,418 for FY 2019-20.

a. Amendment: Approve \$15,705,000 of transfers out from the Capital Reserve to fund the Capital Improvement Program budget in FY 2019-20 as noted below:

(Amendment) · \$14,305,000 to Capital Improvement Projects Capital Projects Fund

· \$1,275,000 Cupertino Sports Center Enterprise Fund

· \$125,000 to Recreation Programs Enterprise Fund

b. Approve Apple, Inc., donation in the amount of \$9,792,418 and appropriate \$9,792,418 to fund the projects identified in the 2016 Bicycle Transportation Plan, 2018 Pedestrian Plan, School Walk Audit, and Mary Avenue Protected Bikeway as follows:

· \$1,000,000 for McClellan Road Separated Bikeway Project (Byrne to Imperial) in Capital Improvement Projects Capital Projects Fund

· \$1,000,000 for McClellan Road Separated Bikeway Project (Stelling to Torre) in Capital Improvement Projects Capital Projects Fund

· \$160,000 for De Anza Blvd/McClellan Pacifica Signal Modification in Capital Improvement Projects Capital Projects Fund

· \$430,000 for McClellan Road Sidewalk Improvements Project in Capital Improvement Projects Capital Projects Fund

· \$2,035,000 for McClellan Road Sidewalk Improvements Project in Transportation Special Revenue Fund

· \$1,800,000 for Junipero Serra Trail in Capital Improvement Projects Capital Projects Fund

· \$1,980,555 for Bubb Road Project in Capital Improvement Projects Capital Projects Fund

· \$165,000 for Mary Avenue Protected Bikeway in Capital Improvement Projects Capital Projects Fund

· \$1,221,863 for School Walk Audit Projects in Capital Improvement Projects Capital Projects Fund

c. Approve the removal in appropriations of \$65,000 for Bicycle Wayfinding Implementation

d. Amendment: Approve an appropriation of \$5,000,000 for Library Expansion allocated specifically for the purpose of designing and building the library-expansion Program Room project and delegate authority to our City Manager to enter into and manage any necessary

agreements to proceed with the design and architecture of the library-expansion Program Room project.

Additional amendments: Allocate \$1,000,000 to support: 1) Parking needs and traffic mitigation assessments supplemental to the prior Civic Center Master Plan pertaining to Library expansion space as needed; and 2) Traffic mitigations and parking modifications as needed.

e. Amendment: Approve an additional \$1,200,000 in appropriations to fund the McClellan Ranch Preserve Community Garden Improvements

Additional Amendment: Approve \$300,000 for a grant funding program for proposals within the City for building additional community gardens

f. Approve the reduction in appropriations for Capital Project Support for \$50,000

g. Approve the reduction in appropriations for CIP Preliminary Planning & Design for \$125,000

h. Approve the additional \$45,000 in appropriations to fund Street Light Installation - Annual Infill

i. Amendment: Remove appropriations of \$827,000 for Solar EV Chargers at Sports Center

j. Amendment: Approve the removal in appropriations of \$2,200,000 for Linda Vista Trail subject to the City Council's upcoming consideration of the item in its July 2019 meeting for a potential mid-year budget adjustment

The motion carried unanimously.

Paul moved and Willey seconded to:

3. Adopt Resolution No. 19-068 establishing an Appropriation Limit of \$104,753,580 for FY 2019-20

The motion carried unanimously.

18. Subject: Approve renewal of existing \$12/premise single family, \$144/acre commercial, \$36/acre unimproved premises and collection of storm drain fees for each premise at no increase in rates for FY 2019-2020

Recommended Action: Adopt Resolution No. 19-069 approving the renewal and collection of existing storm drain fees at no increase in rates for fiscal year 2019-2020

Sinks moved and Willey seconded to adopt Resolution No. 19-069 approving the renewal and collection of existing storm drain fees at no increase in rates for fiscal year 2019-2020. The motion carried unanimously.

19. Subject: FY 2019-20 Community Development Block Grant (CDBG) Program Annual Action Plan

Recommended Action: Conduct public hearing and adopt Resolution No. 19-070 approving the FY 2019-20 CDBG Annual Action Plan.

Written communications for this item included a presentation.

Housing Manager Kerri Heusler reviewed the presentation.

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

Sinks moved and Chao seconded to conduct the public hearing and adopt Resolution No. 19-070 approving the FY 2019-20 CDBG Annual Action Plan. The motion carried unanimously.

20. Subject: Development and Architectural and Site Approval permits that would allow the replacement of nine one-story Public Storage facility buildings with two (2) four (4)-story buildings with basements; fence exception that would allow electronic vehicular gates; and a Tree Removal Permit that would allow the removal and replacement of seventeen (17) protected trees. (Application No(s): DP-2018-03, ASA-2018-04, EXC-2018-01, TR-2019-11; Applicant(s): Storage Equities, Inc. (Andres Friedman); Location: 20565 Valley Green Dr.; APN: 326-10-044)

Recommended Action: The Planning Commission recommends that the City Council:

1. Conduct the public hearing; and
2. Find the project exempt from CEQA; and
3. Adopt Resolution No. 19-071 approving the Development Permit (DP-2018-03); and
4. Adopt Resolution No. 19-072 approving the Architectural and Site Approval (ASA-2018-04); and
5. Adopt Resolution No. 19-073 approving the Fence Exception (EXC-2018-01); and
6. Adopt Resolution No. 19-074 approving the Tree removal Permit (TR-2019-11).

Written communications for this item included a presentation.

Associate Planner Erick Serrano reviewed the presentation.

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

Harish Varanasi (Cupertino resident)  
Jennifer Griffin

Mayor Scharf closed the public hearing.

Sinks moved and Paul seconded to:

1. Conduct the public hearing; and
2. Find the project exempt from CEQA; and
3. Adopt Resolution No. 19-071 approving the Development Permit (DP-2018-03) with an amendment to add a condition of approval to ensure that the Manager's Unit meets the specified noise and air filtration standards; and
4. Adopt Resolution No. 19-072 approving the Architectural and Site Approval (ASA-2018-04) with an amendment to add a condition of approval regarding modification to the east elevation building façade and vegetation to improve the aesthetics of the project, to be approved by Staff; and
5. Adopt Resolution No. 19-073 approving the Fence Exception (EXC-2018-01); and
6. Adopt Resolution No. 19-074 approving the Tree removal Permit (TR-2019-11).

The motion carried unanimously.

#### **ORDINANCES AND ACTION ITEMS - Continued**

24. Subject: Supplemental Weed Abatement Program hearing to consider objections to proposed removal of public nuisance (weeds) and to order abatement of nuisance pursuant to provisions of Cupertino Municipal Code (Chapter 9.08) regarding Weed Abatement and Resolution No. 19-059.

Recommended Action:

1. Conduct supplemental Weed Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing weeds; and
2. Adopt Resolution No. 19-076 ordering the abatement of a public nuisance (weeds) pursuant to provisions of Cupertino Municipal Code (Chapter 9.08) regarding Weed Abatement and Resolution No. 19-059.

Under Postponements, this item was tabled.

25. Subject: Adopt 2019 Legislative Platform  
Recommended Action: Adopt the City's proposed 2019 Legislative Platform

Written communications for this item included a presentation.

Assistant to the City Manager Katy Nomura reviewed the presentation.

Alex Gibbs on behalf of Townsend Public Affairs answered questions from Council.

Mayor Scharf opened public comment and the following individual spoke:

Jennifer Griffin

Mayor Scharf closed public comment.

Paul moved and Scharf seconded to adopt the City's proposed 2019 Legislative Platform. The motion carried unanimously.

26. Subject: Municipal Code Amendment to consider changing the composition of the Housing Commission to eliminate the requirement that one member be a representative from a Cupertino financial institution; (Application No.: MCA-2019-01; Applicant: City of Cupertino; Location: Citywide).

Recommended Action:

1. Find that the proposed actions are exempt from CEQA; and
2. Conduct the first reading of the Ordinance 19-2185: "An Ordinance of the City Council of the City of Cupertino amending Title 2, Administration and Personnel, of the Cupertino Municipal Code Chapter 2.86 (Housing Commission), to eliminate the requirement that one member be a representative from a Cupertino financial institution." (See Attachment A); and
3. Appoint the first alternate to the Housing Commission after the ordinance goes into effect.

Alternate Action: Not amend the Municipal Code and hold a special recruitment for the financial institution representative of the Housing Commission.

Housing Manager Kerri Heusler reviewed the staff report.

City Clerk Grace Schmidt read the title of the ordinance: "An Ordinance of the City Council of the City of Cupertino amending Title 2, Administration and Personnel, of the Cupertino Municipal Code Chapter 2.86 (Housing Commission), to eliminate the requirement that one member be a representative from a Cupertino financial institution."

Paul moved and Scharf seconded to find that the proposed actions are exempt from CEQA and to read Ordinance No. 19-2185 by title only and that the City Clerk's reading would constitute the first reading thereof with direction to staff to appoint the first alternate to the Housing Commission after the ordinance goes into effect. Ayes: Scharf, Chao, Paul, Sinks, and Willey. Noes: None. Abstain: None. Absent: None.

### **COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Mayor Scharf called a special meeting at 5:30 p.m. on Friday, June 21, 2019 regarding SB592 and other possible items as needed.

Directed staff to add a future agenda item to discuss early posting of staff reports and/or background materials for certain City Council agenda items (Scharf/Chao/Paul/Willey).

### **ADJOURNMENT**

At 2:20 a.m. on Wednesday, June 19, 2019 Mayor Scharf adjourned the meeting.

A handwritten signature in blue ink, appearing to read "Grace Schmidt", is written over a horizontal line.

Grace Schmidt, City Clerk