



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

**SPECIAL CITY COUNCIL MEETING**

At 4:45 p.m. Mayor Savita Vaidhyanathan called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

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

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: Conference with Legal Counsel-Existing Litigation pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. Name of case: City of Saratoga; City of Cupertino; Town of Los Gatos v. California Department of Transportation, et al., Santa Clara County Superior Court Case No. 115CV281214

Mayor Vaidhyanathan reported that the City Council gave direction to staff.

2. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - One Case

Mayor Vaidhyanathan reported that the City Council gave direction to staff.

3. Subject: Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9 - Two Cases

Mayor Vaidhyanathan reported that the City Council gave direction to staff.

4. Subject: Conference with Real Property Negotiators (Government Code Section 54956.8);  
Property: Cupertino Municipal Water System; Agency Negotiator: Timm Borden;  
Negotiating Parties: City of Cupertino and San Jose Water Company; Under Negotiation:  
Terms for City Leased Asset

John Tang from San Jose Water Company spoke on this item.

Mayor Vaidhyanathan reported that the City Council gave direction to staff.

### **REGULAR CITY COUNCIL MEETING**

#### **ROLL CALL**

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

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

#### **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Citywide Parks and Recreation System Master Plan Update  
Recommended Action: Accept update on the Citywide Parks and Recreation System Master Plan ("Master Plan") and provide direction

Written communications for this item included a staff presentation and Parks & Recreation System Master Plan handout.

Recreation and Community Services Director Jeff Milkes introduced the item and Park Restoration and Improvement Manager Gail Seeds and MIG Senior Project Manager Cindy Mendoza.

MIG Consultant Cindy Mendoza reviewed the staff report and presentation.

Accepted update on the Citywide Parks and Recreation System Master Plan ("Master Plan") and provided the following feedback and comments:

- Supports including a year-round swimming pool open to the public.

- Park distribution and access slide and comparative sizes of the parks as represented on the map-- convey residential access to parks in a manner that conveys nearby park acreage and conveys park acreage discrepancies in different areas of the city, not just proximity to a park of any size.
- Look into ways to transport residents in low density park area (east side) to high density park area (west side). Consider closing certain streets to cars (one way only) and allowing walking/biking only. Supports a performing arts center.
- Maps in Portable Document Format (PDF) to scale that would be easier to read. Need parks on all sides of town; supports having or acquiring a pool; supports a community theater.
- Wayfinding signs on trails and paths; energize local parks based on the neighborhood. Supports a theater and a swimming pool.

Mayor Vaidhyanathan opened public comment.

Jennifer Griffin talked about a trust fund set up in the City for future park purchases in which residents and business can contribute.

Mayor Vaidhyanathan closed public comment.

2. Subject: Presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2017-2018

Recommended Action: Receive the presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2017-2018

Written communications for this item included a presentation.

Parks and Recreation Commission Chair Helene Davis gave the presentation.

Council received the presentation from the Parks and Recreation Commission regarding the Work Plan for Fiscal Year 2017-2018.

**POSTPONEMENTS - None**

**ORAL COMMUNICATIONS**

Randy Shingai talked about the size of the proposed Stevens Creek Urban Villages hotel (distributed written comments).

Jennifer Griffin talked about the proposed Stevens Creek Urban Villages development.

### CONSENT CALENDAR

Sinks moved and Chang seconded to approve the items on the Consent Calendar as presented. Ayes: Vaidhyathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None. Recuse: Sinks on item number 4.

3. Subject: Approve the September 5 City Council minutes  
Recommended Action: Approve the September 5 City Council minutes
4. Subject: Contract amendments for professional building department and public inspection services for Apple Campus 2  
Recommended Action: Staff recommends that the City Council: 1. Authorize the City Manager to: a. Execute the Third Amendment to Agreement 14-028 with 4LEAF, Inc. for Apple Campus 2 Phase 1 building inspection services and public works inspection services to increase the previously authorized contract amount by \$1,829,890 for a total amount not to exceed \$16,956,368; and b. Execute the Second Amendment to Agreement 15-146 with 4LEAF, Inc. for Apple Campus 2 Phase 2 building inspection services to increase the previously authorized contract amount by \$524,068 for a total amount not to exceed \$1,438,855; and 2. Authorize the City Manager to execute contract amendments to the extent that the costs are recovered from the project applicant; and 3. Approve the budget allocations necessary to execute the contract amendments
5. Subject: Accept Accounts Payable for the period ending August 11, 2017  
Recommended Action: Adopt Resolution No. 17-091 accepting Accounts Payable for the period ending August 11, 2017
6. Subject: Accept Accounts Payable for the period ending August 18, 2017  
Recommended Action: Adopt Resolution No. 17-092 accepting Accounts Payable for the period ending August 18, 2017
7. Subject: Accept Accounts Payable for the period ending August 25, 2017  
Recommended Action: Adopt Resolution No. 17-093 accepting Accounts Payable for the period ending August 25, 2017
8. Subject: Accept Accounts Payable for the period ending September 1, 2017  
Recommended Action: Adopt Resolution No. 17-094 accepting Accounts Payable for the period ending September 1, 2017

**SECOND READING OF ORDINANCES**

9. Subject: Zoning Amendment to make minor corrections to the zoning map. Application No(s): Z-2017-01; Applicant(s): City of Cupertino; Location: Citywide  
Recommended Action: Conduct a second reading and enact Ordinance No. 17-2166: "Ordinance of the City Council of the City of Cupertino approving amendments to the zoning map to correct inconsistencies between the City of Cupertino's records and certain map designations as shown in Exhibit A"

City Clerk Grace Schmidt read the title of the ordinance.

Sinks moved and Chang seconded to read Ordinance No. 17-2166 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

Sinks moved and Chang seconded to enact Ordinance No. 17-2166 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

**PUBLIC HEARINGS**

10. Subject: Extension of an Urgency Ordinance imposing a moratorium on all commercial, non-medical marijuana land uses including dispensaries, marijuana cultivation and cultivation facilities, commercial cannabis activities and marijuana transport and deliveries. (Application No.: MCA-2016-06; Location: City-wide; Applicant: City of Cupertino)  
Recommended Action: That the City Council: 1. Find that the proposed actions are exempt from CEQA; and 2. Enact Urgency Ordinance No. 17-2167: "An Interim Urgency Ordinance of the City Council of the City of Cupertino Extending Moratorium on Non-Medical Marijuana Dispensaries, Marijuana Cultivation and Cultivation Facilities, Commercial Cannabis Activities and Marijuana Transport and Deliveries within the City of Cupertino Pending Completion of an Update to the City's Zoning Code"

Written communications for this item included a staff presentation.

Principal Planner Piu Ghosh reviewed the staff report.

Councilmember Chang stepped away from the dais.

Mayor Vaidhyanathan opened the public hearing. Seeing no speakers, Mayor Vaidhyanathan closed the public hearing.

City Clerk Grace Schmidt read the title of the ordinance.

Sinks moved and Vaidhyanathan seconded to read Interim Urgency Ordinance No. 17-2167 by title only and that the City Clerk's reading would constitute the only reading thereof. Ayes: Vaidhyanathan, Paul, Scharf, and Sinks. Noes: None. Abstain: None. Absent: Chang.

Sinks moved and Vaidhyanathan seconded to enact Interim Urgency Ordinance No. 17-2167. Ayes: Vaidhyanathan, Paul, Scharf, and Sinks. Noes: None. Abstain: None. Absent: Chang.

Councilmember Chang returned to the dais.

11. Subject: Adoption of City of Cupertino Transportation Impact Fee Program and Approval of Fees

Recommended Action: 1. Conduct the first reading of Ordinance No. 17-2168 Adding Chapter 14.02 to the Cupertino Municipal Code To Adopt And Implement The City's Transportation Impact Fee Program As Shown In Exhibit 1" (Attachment A); and 2. Adopt Resolution No. 17-095 Adopting A Transportation Impact Fee And Amending Schedule B Of The 2017-18 Fee Schedule To Include The New Transportation Impact Fee As Shown in Exhibit 1 (Attachment B)

Director of Public Works Timm Borden reviewed the staff report.

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

Jennifer Griffin

Mayor Vaidhyanathan closed the public hearing.

City Clerk Grace Schmidt read the title of the ordinance.

Sinks moved and Chang seconded to read Ordinance No. 17-2168 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

Sinks moved and Chang seconded to adopt Resolution No. 17-095 adopting a Transportation Impact Fee and amending Schedule B of the 2017-18 Fee Schedule to include the new Transportation Impact Fee as shown in Exhibit 1 (Attachment B). The motion carried unanimously.

#### **ORDINANCES AND ACTION ITEMS - None**

#### **REPORTS BY COUNCIL AND STAFF**

12. Subject: Service Center Administration Building with Emergency Operations Center (EOC) Feasibility Study and Facility Master Plan  
Recommended Action: Receive the Service Center Administration Building with Emergency Operations Center Feasibility Study and Facility Master Plan

Written communications for this item included a staff presentation.

Director of Public Works Timm Borden reviewed the staff report.

Council received the Service Center Administration Building with Emergency Operations Center Feasibility Study and Facility Master Plan.

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

City Manager David Brandt said that a summary of the recently passed State bills would be given to Council in the weekly Items of Interest.

Council members highlighted the activities of their committees and various community events.

#### **ADJOURNMENT**

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

    /s/Grace Schmidt      
Grace Schmidt, City Clerk