



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, February 7, 2017**

**REGULAR CITY COUNCIL MEETING**

**ROLL CALL**

At 6:45 p.m. Mayor Savita Vaidhyanathan called the City Council meeting to order in Cupertino 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. Absent: None.

Mayor Vaidhyanathan reordered the agenda to take up item No. 13 before Item No. 12.

**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamation in memory of Cupertino resident Gin Lu "Tommy" Shwe  
Recommended Action: Present proclamation in memory of Cupertino resident Gin Lu "Tommy" Shwe

Mayor Vaidhyanathan presented the proclamation in memory of Cupertino resident Gin Lu "Tommy" Shwe to Tommy Shwe's family.

**POSTPONEMENTS – None**

**ORAL COMMUNICATIONS**

Shashi Rekha Alur talked about making stress free violence free schools and the YES! for Schools program on March 10 (Distributed a handout)

The following people spoke about human rights violations in China and the Hard to Believe movie screening at Bluelight Cinemas on February 8 (Distributed handouts):

Chun Lee  
Mei Chen

Sophie Liu  
Li Juan Tang  
Cliff Chen  
Christian Lambert  
Sharon Roan  
Lee

Taghi Saadati talked about parking and street sweeping on Elmsford Drive.

Jean Beadord, on behalf of Dolly Sandoval, talked about the Planning Commission appointments.

Art Cohen, on behalf of Bluelight Cinemas, talked about upcoming events.

Fariba Narjat, on behalf of the Iranian Federated Women's Club, talked about the Iranian Film Festival at Bluelight Cinemas on March 12.

Danessa Techmanski talked about potential uses for the Stocklmeier property.

## CONSENT CALENDAR

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

2.     Subject: Approve the January 24 City Council minutes  
          Recommended Action: Approve the January 24 City Council minutes
3.     Subject: Accept Accounts Payable for the period ending December 2, 2016  
          Recommended Action: Adopt Resolution No. 17-006 accepting Accounts Payable for the period ending December 2, 2016
4.     Subject: Accept Accounts Payable for the period ending December 9, 2016  
          Recommended Action: Adopt Resolution No. 17-007 accepting Accounts Payable for the period ending December 9, 2016
5.     Subject: Accept Accounts Payable for the period ending December 16, 2016  
          Recommended Action: Adopt Resolution No. 17-008 accepting Accounts Payable for the period ending December 16, 2016

6. Subject: Accept Accounts Payable for the period ending December 22, 2016  
Recommended Action: Adopt Resolution No. 17-009 accepting Accounts Payable for the period ending December 22, 2016
7. Subject: Accept Accounts Payable for the period ending December 31, 2016  
Recommended Action: Adopt Resolution No. 17-010 accepting Accounts Payable for the period ending December 31, 2016
8. Subject: Approval of Bay Area Governments (ABAG) Regional Collaborative Services Agreement with Property Assessed Clean Energy (PACE) Providers and Adoption of Resolutions Authorizing Membership in the California Enterprise Development Authority, Golden State Finance Authority, Western Riverside Council of Governments, and the California Statewide Community Development Authorities and to participate in the PACE programs  
Recommended Action: 1. Adopt Resolutions to join the following joint power agencies and participate in their PACE programs
- a. California Enterprise Development Authority (Figtree PACE Program), Resolution No. 17-011
  - b. Golden State Finance Authority (Ygrene PACE Program), Resolution Nos. 17-012 and 17-013
  - c. Western Riverside Council of Governments (California HERO PACE Program), Resolution No. 17-014
  - d. California Statewide Communities Development Authority (Open PACE Program), Resolution No. 17-015; and
2. Authorize the City Manager to approve and sign the acknowledgement and addendums of the Association of Bay Area Governments (ABAG) Regional Collaborative Services Agreement, as executed between ABAG and Residential PACE Providers, and execute any other document necessary to carry out the City's membership in each of the PACE Providers listed above

Written communications for this item included an amended staff report.

9. Subject: Application for Alcohol Beverage License for PEFF LLC (dba Enzo's Restaurant), 21275 Stevens Creek Boulevard, Ste. 510  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for PEFF LLC (dba Enzo's Restaurant), 21275 Stevens Creek Boulevard, Ste. 510
10. Subject: Accept resignation of Parks and Recreation Commissioner David

Fung and direct staff to fill the vacancy

Recommended Action: Accept resignation of Parks and Recreation

Commissioner David Fung and direct staff to fill the unscheduled vacancy:

a.) Application deadline date of Friday, March 10; and

b.) Interview date of Tuesday, March 21

11. Subject: Transfer of funds for expenses related to Mayor Vaidhyanathan's participation in Silicon Valley Leadership Group's annual D.C. Advocacy Trip on March 17-19 to meet with Congressional and Agency officials regarding funding for city and regional priorities

Recommended Action: Transfer \$2,000 to cover all costs, not limited to travel expenses, lodging and food, for the Mayor's participation in SLVG's annual D.C. Advocacy Trip

Written communications for this item included an amended staff report.

## SECOND READING OF ORDINANCES - None

## PUBLIC HEARINGS

12. Subject: Petition for Reconsideration regarding the City Council decision of December 6, 2016, denying Petitioner Kimberly Sandstrom's appeal of the determination that she is ineligible to purchase a Below Market Rate (BMR) unit

Recommended Action: Staff recommends that the City Council:

1. Consider the Petition for Reconsideration (Attachment B-1) and deny it for its failure to meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096 and adopt Resolution No. 17-016 (Attachment A-1); or, in the alternative;
2. Conduct a hearing to reconsider its decision of December 6, 2016 based upon the new evidence and grounds proffered by Petitioner, if Council determines that the Petition meets the requirements of Cupertino Municipal Code section 2.08.096, and affirm its decision denying Petitioner's appeal

Written communications for this item included a staff PowerPoint presentation.

Mayor Vaidhyanathan said that she served as an uncompensated advisor to West Valley Community Services (WVCS) and would be fair and impartial during the hearing.

Councilmember Scharf said that he was not on Council during the first hearings but he attended the meetings and reviewed the case.

Senior Planner Kerri Heusler reviewed the staff report via a PowerPoint presentation.

Assistant City Manager Aarti Shrivastava answered questions from Council.

Petitioner Kimberly Sandstrom spoke about her case.

Mayor Vaidhyanathan opened the public hearing and Jennifer Griffin spoke.

Mayor Vaidhyanathan closed the public hearing.

Sinks moved and Vaidhyanathan seconded to adopt Resolution No. 17-016 denying the Petition for Reconsideration for its failure to meet the requirements of Cupertino Municipal Code (CMC) Section 2.08.096. The motion carried with Scharf abstaining.

## **ORDINANCES AND ACTION ITEMS**

- 13.** Subject: Order the abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 16-136

Recommended Action: Note objections and adopt Resolution No. 17-017 ordering abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 16-136

Deputy City Clerk Kirsten Squarcia reviewed the staff report.

Steve Azar and Kathy Khodi-Elhami spoke.

Chang moved and Scharf seconded to adopt Resolution No. 17-017 ordering abatement of a public nuisance (weeds) pursuant to provisions of Ordinance No. 724 and Resolution No. 16-136. The motion carried unanimously.

- 14.** Subject: An Ordinance of the City Council of the City of Cupertino Amending Title 11 Chapter 11.08 Sections 11.08.160 and 11.08.180 of the Cupertino Municipal Code Regarding Restrictions on Riding Bicycles on Sidewalks and Pedestrian Paths

Recommended Action: Conduct first reading of Ordinance No. 17-2161, An Ordinance of the City Council of the City of Cupertino Amending Title 11 Chapter 11.08 Sections 11.08.160 and 11.08.180 of the Cupertino Municipal Code Regarding Restrictions on Riding Bicycles on Sidewalks and Pedestrian Paths

Written communications for this item included a staff PowerPoint presentation.

Director of Public Works Timm Borden reviewed the staff report.

Staff answered questions from Council.

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

Wynn Kageyama, League Cycling Instructor

Tom Schaefer

Art Cohen

Larry Dean

Leslie Larson

Luke Lang

Jiali Gao

Captain Rich Urena

Mayor Vaidhyanathan closed the public hearing.

Bicycle Pedestrian Commissioner Jennifer Shearin and staff answered questions from Council.

Deputy City Clerk Kirsten Squarcia read the title of the ordinance.

Paul moved and Chang seconded to read Ordinance No. 17-2161 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Vaidhyanathan, Paul, and Chang. Noes: Scharf and Sinks. Abstain: None. Absent: None.

Council also directed staff to continue using the Bicycle Pedestrian Commission to support outreach for training, education, and signage.

15. Subject: Fee waiver request by Pacific Coast Farmers Market Association (PCFMA) for costs incurred related to a Special Event Permit for a farmer's market at the Creekside Park north parking lot on Friday mornings for the 2017 calendar year

Recommended Action: Staff recommends adoption of Resolution No. 17-018 "A resolution of the City Council of the City of Cupertino waiving costs incurred related to the use of the Creekside Park north parking lot by the Pacific Coast Farmer's Market Association every Friday morning for the 2017 calendar year"

Written communications for this item included a staff map and a resident email.

Economic Development Manager Angela Tsui reviewed the staff report.

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

Sujatha Venkatraman, West Valley Community Services  
Jennifer Griffin  
Tom Schaefer  
Jennifer Shearin  
Jorge Vega

Mayor Vaidhyanathan closed the public hearing.

Sinks moved and Chang seconded to adopt Resolution No. 17-018 "A resolution of the City Council of the City of Cupertino waiving costs incurred related to the use of the Creekside Park north parking lot by the Pacific Coast Farmer's Market Association every Friday morning for the 2017 calendar year". The motion carried unanimously.

Council also directed staff to look at traffic patterns near Creekside and Cupertino High School to alleviate possible congestion.

Council went into recess at 10:06 p.m. and reconvened at 10:14 p.m.

## REPORTS BY COUNCIL AND STAFF

16. Subject: Update on Status of I-280/Wolfe Road Interchange Improvements Project  
Recommended Action: Receive update on status of I-280/Wolfe Road Interchange Improvements Project

Written communications for this item included a staff PowerPoint presentation.

Director of Public Works Timm Borden introduced the staff report and Senior Civil Engineer David Stillman further reviewed the item via a PowerPoint presentation.

Staff answered questions from Council.

Bill Wagner, Principal from HMM Engineers, answered questions from Council.

Jennifer Griffin and Tom Schaefer spoke.

Council received the update.

17. Subject: Update on Status of 2016 Cupertino Bicycle Transportation Plan Implementation

Recommended Action: Receive update on status of 2016 Cupertino Bicycle Transportation Plan Implementation

Written communications for this item included a staff PowerPoint presentation.

Senior Civil Engineer David Stillman reviewed the staff report via a PowerPoint presentation.

Staff answered questions from Council.

The following people spoke:

Jennifer Griffin

Steve Elich

Larry Dean

Taghi Saadati

Tom Schaefer

Council received the update.

**18. Subject: Report on Committee assignments and general comments**

Recommended Action: Report on Committee assignments and general comments

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

Council requested staff halt the Verizon cell tower project at City Hall until the tower aesthetics are addressed and the power mains are hooked up; and bring an item to a future Council meeting to discuss working with the Cities Association of Santa Clara County for a regional approach to human rights advocacy.

## **ADJOURNMENT**

At 11:57 p.m., Mayor Vaidhyanathan adjourned the meeting.

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Kirsten Squarcia, Deputy City Clerk