

CUPERTINO PUBLIC SAFETY COMMISSION
DRAFT MEETING MINUTES
Thursday February 9, 2017, 6:00 p.m.
10185 N. Stelling Rd, Quinlan Community Center

CALL TO ORDER

Commissioner Tallinger called to order this regular meeting of the Cupertino Public Safety Commission at approximately 6:07 p.m. on Thursday, February 9, 2017 in the Cupertino Room located inside the Quinlan Community Center, 10185 N. Stelling Road, Cupertino, California 95014.

ROLL CALL

Commissioner Present: Jerry Tallinger
Robert McCoy
Andy Huang
Neha Sahai

Commissioner Absent: Hymanand Nellore

Staff Present: Captain Rich Urena, Santa Clara County Sheriff's Office

Staff Absent: Deputy Chief John Justice, Santa Clara County Fire Department

Others Present: Public Speakers

APPROVAL OF MINUTES

1. Subject: Approve the January 12, 2017 Minutes
Recommended Action: Approval of the January 12, 2017 Minutes

Commissioner McCoy motioned to approve the minutes of the January 12, 2017 meeting with no corrections; Commissioner Huang seconded the motion; Ayes: Tallinger, Huang, McCoy. Noes: None. Abstain: None. Absent: Nellore and Sahai as she arrived after the voting.

OLD BUSINESS

2. Subject: Participation in the Cupertino Alert System, Alert SCC and Pulse Point (Huang/McCoy)
Recommended Action: Discuss Participation in the Cupertino Alert System, Alert SCC and Pulse Point

Commissioner Huang explained that he did not have an update on CAS or Alert SCC.

3. Subject: Public Safety Education and Outreach; a) Plans for Next Informational Forum (Sahai), b) Transportation Forum Progress (Tallinger), c) Proposals for Future Forums/Workshops (All)
Recommended Action: Receive updated report on the next informational forum (Sahai), receive report on Transportation Forum Progress (Tallinger), and discuss proposals for future Forums/Workshops

Commissioner Sahai reported that the Senior Safety Forum will be held on March 18, 2017 from 9am-11am at the Senior Community Center. The presentation will be focused on educating seniors on personal safety. Santa Clara County Fire still needs to be contacted. Commissioner Tallinger explained that the Bike Ped Commission did not have a quorum during the past two meetings so he was unable to present his proposal. Commissioner Tallinger is not sure who will be leading the Forum but recommends that perhaps the city should lead it. Forum may need to be delayed until the fall due to the slow planning process. He also received an email from Commissioner Nellore explaining that he had contacted the neighborhood watch program representative for the city and also attempting to find volunteers to help him give safety presentations to neighborhoods. The TIC Commission also contacted Commissioner Tallinger, asking if we need help with The Transportation Forum. Lastly, Commissioners Tallinger and McCoy asked Captain Urena to check with the city to determine if the Public Safety Commission could use their budget to sponsor a train the trainer course for a women's self-defense course. The RAD (Rape Aggression Defense course), offers a training package for \$9,500 to train 10 instructors who could then train residents.

4. Subject: Collaboration/cross training of volunteer groups (All)
Recommended Action: Discuss the collaboration and cross training of volunteer groups

Commissioner Tallinger received an email from Ken Erickson with all the information. Commissioner Tallinger adds that he would like to receive a summary from the Disaster Council meetings if possible as he is aware that the city is actively training staff on ICS courses. The report would give the commission information related to all volunteer groups.

5. Subject: Firewise proposal promotion within Cupertino
Recommended Action: Discuss Firewise proposal promotion within Cupertino

Defer to next meeting.

6. Subject: Draft Gun Safety Ordinance
Recommended Action: Discuss Draft Gun Safety Ordinance

Commissioner Tallinger took this agenda item out of order. Deputy City Manager Jacqui Guzman provided an update to the proposed Gun Safety Ordinance. She explained that after Sunnyvale's Measure passed, crime rates dropped in Sunnyvale in 2015 but that they did go up a bit in the following year. The robberies with firearms have declined since 2013. Also in Sunnyvale, property crime rates continue to decrease since the ordinance. For the City of Cupertino, specific crime has increased since 2011 although crimes involving firearms remain low. In 1996, the Center for Disease and Control halted gun research so a lot of information is not known. President Obama lifted that ban in 2013 but no funding was available for research. Studies did show that stolen firearms are involved in crimes. There is no solid research on ban of high power magazines to prevent crimes. It is the firearm owner's responsibility to report to law enforcement that their firearm has been stolen or lost within 5 days.

Commissioner McCoy asked who and why council proposed this ordinance? Ms. Guzman explained that at the time Mayor Chang and Council member Sinks wanted to move forward with this and it was decided to have the Public Safety Commission review the ordinance. Commissioner Huang asks if the council still has this ordinance as a priority since a new member was recently elected. Ms. Guzman responds yes, and added that in March 2017, council will set next year's priorities.

Commissioner Tallinger opens oral communication.

Public Speakers – Opposed Ordinance:

Joe Katz: duplication of state law, opposes the ordinance.

Kim Sievertt: there is no proof data will prevent gun violence.

Sheldon Chang: Unnecessary duplicate law, Cupertino already is a safe city.

Daniel Lin: Easy to say that the ordinance keeps people safe, no need to add more laws than what we already have in place. It is only going to hurt the people obeying laws.

David Li: the burden is not on the criminal, it is on me.

Nicki Stallard: Ordinance will do nothing to prevent crimes, if anything it will disarm residents. Will not tolerate an attack on fundamental rights.

Benny Valenzuela: I am a 4-year Marine, I do not own a gun, but the research for gun control is addressed in a Book called "More Guns Less Crimes."

Allen Matila: having to have a locked storage requirement bothers me the most from the ordinance.

Steve Wang: The minute you pass this ordinance and gets published in the media, it then

becomes advertising for burglars to come to Cupertino and commit crimes.

Stan Sieler: Duplicates state laws, concerned about data base of ammo, if it is on a computer it has potential of being hacked. The ordinance will be a waste of time.

Sonya Chang: Restricting supply does not address any firearm safety concern in Cupertino. PSC should abandon this work.

Doug Freeman: Agreed with everyone here, could not understand the staff report. Cost benefit is the main concern; no real benefit is based on cost.

Paul Boucher: Redundant because of California Law already in place, don't see why it would benefit city. Lawful shooters purchase more ammo than unlawful people.

Cassy Torres: Law is redundant; I don't believe it will affect crime at all.

Andy Wang: there is no data to support Sunnyvale's ordinance on reduced crime, Sunnyvale and SF have more crime and it is different than Cupertino not sure why it is in the report. Waste of PSC time. Allowing people to carry guns will make Cupertino the safest city.

Eric Fisher: US Firearms Company owner in Sunnyvale: Effect of business burdensome. Should allow State to deal with, since Sunnyvale passed Measure C, Lost \$30,000 and reduced staffing levels. State can regulate and make a standard law throughout all cities.

Harvey Dwyer: Owner of Kerleys, business itself is challenging, impact of his business due to internet and this will also impact his business and reduce the number of employees from 9 to now 5.

Larry Shults: Civil liberties issues, opens the city to litigation. The law already addresses guns are to be locked in homes with children.

Jonathan Hsu: Firearms statistics do not pose a safety issue for public safety. Has not seen data from the report to support the ordinance. This will cause a burden to him.

Preston Chiappa: Report from staff no positive or negative effect on gun control.

Cupertino ordinance 48 hours but state 5 days, no data to support 48 hours.

Dave Truslow: Do a broader study on the ordinance, gun control measures do not work. Anti-gun groups are mentioned on report as "cherry picking." Would Council move forward now given Prop 63? Measure does not make sense for many reasons.

Mike Jerbic: Ordinance is a search for an undefined problem. City telling me how to store my firearm is outside the city's boundaries. I suggest PSC reject ordinance and tell city council this is unacceptable and not good for the City of Cupertino.

John Mumy: I do not feel safe in Cupertino. Have a junk car and call it my Cupertino car because I have been hit several times. Daughter almost hit behind her school. Nothing is done about traffic problems. Deal with Traffic Problems instead of this ordinance.

Xin Zheng: Oppose ordinance agrees with all other speakers and is unconstitutional. No research is good enough to support this ordinance.

Ann Malcolm: Opposes the ordinance, neighbors and people will call me and trust me to pick up their kids from school, but when it comes to guns, "you" don't trust me. Guns, lack of trust from city.

Alex Malcolm: Ordinance will make people less safe. California already has many laws now and he has to teach his customers state and local laws. In order to make people safer, this

ordinance needs more education, there is a lot of information missing in the handout.

Sheldon Chen: The staff report mentions Sunnyvale Gun and Rod Club are not part of the ordinance, does Cupertino have a shooting range? What is standard of issuing a permit to a shoot firearm? I think the requirements are ridiculous.

Ted Zeng: Here to analyze data, against ordinance. Need more education to parents and kids, not controlling firearms inside the home. The Boys and Girls Clubs provide education for children regarding gun safety.

Daniel Donahue: Ordinance has no safety aspects other than criminalizing law abiding citizens. I was shot in front of my house when I was a young man by a BB gun. Driver's scares me more, have been living in Cupertino 40 years have not seen more street lights. People should fund their own research.

Hao Tang: Guns are not allowed in my country. Here, I go to the shooting range with friends. People that are not familiar with guns are afraid of them. Switzerland has a lot of guns and Cupertino can learn from Switzerland. I vote against the gun ordinance, more money should be spent on educating people on gun safety.

Ken Dwyer: Have had two gun deaths in family. Both were defending the constitution of the United States. Romans controlled 2/3 of world with sharp weapons. It's all about education, not law enforcement or laws.

Public Speakers - Support Ordinance:

Sri Nagarajan: Professor at UCSF as a scientist and a parent, passion it about it. Lack of evidence means everything stated may not be facts given the lack of research. Supports the ordinance.

Ben Chang: Does not own guns but shoots. In privacy of own home will do what he wants. Support's the ordinance as it tells residents to be safe and it is a good reminder.

Vaish Sridher: Preach non-violence. Guns are weapons of destruction. Not talking about amendment, talking about safety.

Commissioner Tallinger closes oral communication.

Commissioner Tallinger explains that he will go through the Ordinance one section at a time starting with "Permit Required" Section 10.76.010. Commissioner McCoy's major concern is the shooting range. Commissioner Tallinger advises the ordinance is only for city boundaries and does not include Gun and Rod Club. Commissioner Tallinger suggests that the following phrase should be added, "city limits should not include the unincorporated areas of the city." He further states that the ordinance should not require a person at a gun range, if such a gun range should exist in the future, from having to seek a permit to shoot.

In regards to duty to report the theft and or loss of a firearm, Commissioner Tallinger states Prop 63 already requires, starting July 1, 2017, anyone to report a theft of a firearm within 5 days. Thinks it is a duplicate, Prop 63 says 5 days vs. ordinance says 48 hours to report the theft of a firearm.

In regards to the Storage of Firearms under Section 10.76.030, Commissioner Tallinger explains the term "Immediate control and possession" is not clearly defined, except when the firearm is registered. He further explains that the section referencing keeping a firearm in a locked container is to lock up firearms in order to prevent the firearm from being stolen during a burglary.

Ms. Guzman explained the state laws related to storage of firearms and the difference of crime classifications. She explains that they are classified under 3 degrees. Commissioner Tallinger explains that the safe storage of firearms that falls under Prop 63 is only for business storage not for residential. Ms. Guzman explains that if a resident is not going to be home, that proper storage of the firearm should be in place.

Commissioner Tallinger explains that ammunition sales duplicate the state laws but the ordinance requires thumbprints and the state does not.

Commissioner Huang would prefer to wait until state law takes effect to enact any type of ordinance.

Commissioner McCoy also recommends that the ordinance remain the same with no changes.

Commissioner Tallinger makes a motion to make the following changes to the ordinance:

In 10.76.010 - Clarify in the word 'city' to mean 'city limits' or add 'shall not apply to unincorporated areas of the city'

In 10.76.010 - Add "Nothing in this section shall prevent any person from discharging or use of a firearm in any licensed shooting gallery or range."

In regards to 10.76.020 - Recommend we drop this or just refer to state penal code.

In regards to 10.76.030 - Consider when a firearm owner or person allowed by the owner to access the firearm is not present at the residence owned or controlled by that person, no person shall keep a firearm (as defined in Penal Code Section 16520 or as amended) in that residence unless the firearm is stored in a locked container, or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices. Or similar wording as determined by the city attorney. Recommend further research existing state and/or county laws relating to this recommendation and if existing laws serves the same purpose as the above then this section may be removed.

In regards to 10.76.040 - Recommend we drop this or just refer to state penal code.

In regards to 10.76.050 - Recommend we drop this or just refer to state penal code.

Commissioner Tallinger motioned to approve the stated recommended changes to the Gun Safety Ordinance and seconded by Commissioner Sahai, Ayes: Tallinger, Sahai. Noes: Commissioners Huang and McCoy. Abstain: None. Absent: Nellore.

Commissioner Huang motioned to not make any changes to the current Firearms Ordinance and seconded by Commissioner McCoy, Ayes: Huan, McCoy. Noes: Commissioners Tallinger and Sahai. Abstain: None. Absent: Nellore.

NEW BUSINESS

7. Subject: Crime Reduction Initiatives
Recommended Action: Discuss Crime Reduction Initiatives

This item was continued to the next meeting in the interest of time.

8. Subject: Future Agenda Items
Recommended Action: Discuss items for Future Agenda

This item was continued to the next meeting in the interest of time.

STAFF AND COMMISSION REPORTS

9. Subject: Report by Santa Clara County Fire District
Recommended Action: Receive Report by Santa Clara County Fire District
No report.

10. Subject: Report by The Santa Clara County Sheriff's Office
Recommended Action: Receive Report by The Santa Clara County Sheriff's Office
Captain Urena reported on response time for the month of January 2017. The City of Cupertino had 3 robberies in January; two of them were commercial robberies and 16 residential burglaries. The Sheriff's Office is working on a plan to help decrease the thefts. The city also experienced 13 vehicle burglaries, seven driving under the influence incidents to which two of those incidents caused property damage.

11. Subject: Receive Commissioner Reports
Recommended Action: Receive Commissioner Report
Commissioner Tallinger attended the mayor's meeting. The Teen commission announced that they were working on putting together a hackathon, possibly related to public safety;

however, they continue to work on the logistics. Also, the teen commission has decided to assign a liaison to the public safety commission.

Commissioners McCoy, Huang and Sahai did not have any reports.

ADJOURNMENT

Chair Tallinger adjourned the meeting at 10:05 pm

NEXT MEETING

The next Regular Meeting is scheduled for Thursday, March 9, 2017 at 6:00 p.m.

SUBMITTED BY:

*Veronica Lara
Executive Assistant
West Valley Patrol Division
Santa Clara County Office of the Sheriff
February 6, 2017*

APPROVED BY:

Jerry Tallinger, Commission Chair

Date