



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, April 18, 2017**

**SPECIAL CITY COUNCIL MEETING**

**ROLL CALL**

At 5:00 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 (Subdivision (a) of Gov't Code Section 54956.9); Name of Claimant: Adeline Chiu; Claim No.: ABGV23821A1

Mayor Vaidhyanathan announced that Council met in closed session and gave direction to staff.

2. Subject: Conference with Real Property Negotiators pursuant to Government Code Section 54956.8. Properties: APN 375-21-001, Lawrence Expressway at Mitty Avenue and APN 381-19-015, Lawrence Expressway at Doyle Road. Agency Negotiators: Jaqui Guzman and Gail Seeds. Negotiating Parties: San Jose Water Company; County Roads and Airports; City of San Jose. Under Negotiation: Price and terms of payment

Mayor Vaidhyanathan announced that Council met in closed session and gave direction to staff.

**ADJOURNMENT**

**REGULAR CITY COUNCIL MEETING****ROLL CALL**

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

Present: Mayor Savita Vaidhyanathan, Vice Mayor Darcy Paul, and Councilmembers Barry Chang, Steven Scharf and Rod Sinks. Absent: None.

**CEREMONIAL MATTERS AND PRESENTATIONS - None****POSTPONEMENTS - None****ORAL COMMUNICATION**

Cathy Helgerson talked about a Lehigh Cement and Quarry Wastewater Treatment Plan proposal with Santa Clara County. (She distributed written comments).

Paulette Altmaier talked about Vallco redevelopment.

Art Cohen from BlueLight Cinemas, Deanna Pursai, Executive Director of the College of Adaptive Arts and Katie Zeisl, Director of the School of Theater and Special Events talked about the upcoming 9<sup>th</sup> Annual Film Festival sponsored by the College of Adaptive Arts. Some of the students also spoke. (They distributed a flyer).

**CONSENT CALENDAR**

Scharf moved and Chang seconded to approve the items on the Consent Calendar as presented except for item number 3 which was pulled by a member of the public. Ayes: Vaidhyanathan, Paul, Chang, Scharf and Sinks. Noes: None. Abstain: None. Absent: None.

1. Subject: Approve the April 4 City Council minutes  
Recommended Action: Approve the April 4 City Council minutes
2. Subject: Approval of the City of Cupertino's Green Infrastructure Plan Framework  
Recommended Action: Approve the Green Infrastructure Plan Framework (Workplan) to complete a State-mandated Green Infrastructure Plan for the City of Cupertino by September 2019

3. Subject: Adoption of resolution, verifying that the City of Cupertino complies with the terms of the Surplus Land Act - Assembly Bill 2135 (California Government Code Section 54220, et seq.)

Recommended Action: Adopt Resolution No. 17-034, verifying that the City of Cupertino complies with the terms of the Surplus Land Act - Assembly Bill 2135 (California Government Code Section 54220, et seq.)

Jennifer Griffin spoke on this item.

Sinks moved and Chang seconded to adopt Resolution No. 17-034, verifying that the City of Cupertino complies with the terms of the Surplus Land Act - Assembly Bill 2135 (California Government Code Section 54220, et seq.). The motion carried unanimously.

4. Subject: Adopt a resolution authorizing the City Council to designate various staff positions as applicant's agents to represent the City for any applications with the State Office of Emergency Services (OES) and Federal Emergency Management Agency (FEMA) for disaster assistance

Recommended Action: Adopt Resolution No. 17-035 authorizing the City Council to designate various staff positions as applicant's agents to represent the City for any applications with the State Office of Emergency Services (OES) and Federal Emergency Management Agency (FEMA) for disaster assistance

5. Subject: Application for Alcohol Beverage License for R&T Uniwealth, Inc. (dba Fish Is Wild), 20672 Homestead Road

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for R&T Uniwealth, Inc. (dba Fish Is Wild), 20672 Homestead Road

## SECOND READING OF ORDINANCES - None

## PUBLIC HEARINGS

6. Subject: Annual review of the City's Non-Point Source Control and Stormwater Management Program (flood control and creek pollution prevention) and approval to renew the collection of existing storm drain fees at no increase in rates for fiscal year 2017-2018

Recommended Action: Consider all objections or protests and adopt Resolution No. 17-036 for approval and renewal of the collection of existing storm drain fees at no increase in rates for fiscal year 2017-2018

Director of Public Works Timm Borden reviewed the staff report.

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

Sinks moved and Chang seconded to adopt Resolution No. 17-036 for approval and renewal of the collection of existing storm drain fees at no increase in rates for fiscal year 2017-2018. The motion carried unanimously.

7. Subject: Municipal Code Amendment to Title 19, Zoning, of the Cupertino Municipal Code, to allow the creating of Single-Story Overlay Zones in single-family residential zoning districts, and an amendment to Fiscal Year 2016-17 Fee Schedule (Application No(s): MCA-2017-02; Applicant(s): City of Cupertino; Location: citywide)

Recommended Action: That the City Council: 1. Find that the proposed actions are exempt from CEQA; and 2. Conduct the first reading of Ordinance No. 17-2162 “An Ordinance of the City Council of the City of Cupertino amending Title 19, Zoning, of the Cupertino Municipal Code Chapter 19.12 (Administration), Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones), and Chapter 19.28 (Single-Family Residential R-1) Zones), to create a Single-Story Overlay District process”; and 3. Adopt Resolution No.17-037, amending the 2016-17 Fee Schedule to include Single-Story Overlay District applications (Resolution No.16-131), effective June 19, 2017

Written communications for this item included redline changes to the ordinance and a staff PowerPoint presentation.

Associate Planner Erick Serrano reviewed the staff report via a PowerPoint presentation.

Staff answered questions from Councilmembers.

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

Cathy Helgersen  
Jennifer Griffin

Mayor Vaidhyanathan closed the public hearing.

City Clerk Grace Schmidt read the title of the ordinance.

Sinks moved and Scharf seconded to find that the proposed actions are exempt from CEQA. The motion carried with Chang voting no.

Sinks moved and Scharf seconded to read Ordinance No. 17-2162 by title only and that the City Clerk's reading would constitute the first reading thereof with an amendment to add the following language to Section 19.12.090C1: "(each developable lot of record shall have one (1) vote)." Ayes: Vaidhyanathan, Paul, Scharf and Sinks. Noes: Chang. Abstain: None. Absent: None.

Sinks moved and Scharf seconded to adopt Resolution No.17-037, amending the 2016-17 Fee Schedule to include Single-Story Overlay District applications (Resolution No.16-131), effective June 19, 2017. The motion carried with Chang voting no.

## ORDINANCES AND ACTION ITEMS

8. Subject: First Reading of an ordinance amending section 11.27.145 of the Cupertino Municipal Code relating to Designation of Preferential Parking Zone on Randy Lane, Larry Way and a portion of Merritt Drive  
Recommended Action: Conduct the first reading of Ordinance No. 17-2163: "An Ordinance of the City Council of the City of Cupertino amending section 11.27.145 of the Cupertino Municipal Code relating to designation of preferential parking zones" on Randy Land, Larry Way, and a portion of Merritt Drive, Monday through Friday between 8 a.m. and 4 p.m.

Written communications for this item included an email to Council.

Director of Public Works Timm Borden reviewed the staff report.

The following individuals spoke on this item:

Laura Auch  
Suong Diec  
Jerry Tallinger

Ed Auch  
J.R. Fruen  
Mark Chen  
Jennifer Griffin

City Clerk Grace Schmidt read the title of the ordinance.

Chang moved and Sinks seconded to read Ordinance No. 17-2163 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.

## REPORTS BY COUNCIL AND STAFF

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

City Manager David Brandt reminded Councilmembers that they are able to call a point of order during the meeting regarding any unclear motions. He also reminded Councilmembers that Council has a directive regarding not asking questions of speakers during Oral Communications.

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

## ADJOURNMENT

At 8:52 p.m., Mayor Vaidhyanathan adjourned the meeting.

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Grace Schmidt, City Clerk