



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, March 3, 2015**

**SPECIAL CITY COUNCIL MEETING**

**ROLL CALL**

At 4:30 p.m. Mayor Rod Sinks called the Special City Council meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue.

Present: Mayor Rod Sinks, Vice Mayor Barry Chang, and Council members Darcy Paul (4:33 p.m.), Savita Vaidhyanathan, and Gilbert Wong (4:33 p.m.). Absent: None.

**STUDY SESSION**

1. Subject: Work Program study session  
Recommended Action: Review the 2015/2016 Work Program

Assistant City Manager Aarti Shrivastava gave a quick overview of the Work Program noting Council had received both a redline copy and clean copy. She asked for direction from Council members regarding any changes they wished to make.

City Manager David Brandt gave a brief overview of new projects in the Public Affairs portion of the Work Program.

Public Affairs Director Rick Kitson answered questions from Council.

Mr. Brandt gave a brief overview of Economic Development and answered questions from Council.

Assistant to the City Manager Erin Cooke gave a brief overview of the Sustainability Division and answered questions from Council.

Ms. Shrivastava highlighted the upcoming projects for Community Development and answered questions from Council.

Director of Public Works Timm Borden highlighted the Work Program for the Public

Works Department and answered questions from Council.

Director of Recreation and Community Services Carol Atwood highlighted the projects for that department and answered questions from Council.

Mr. Brandt highlighted the Administrative Services Department Work Program and answered questions from Council.

Jennifer Griffin talked about the Lawrence Mitty property and the struggle to obtain it. She noted that Cupertino had done pre-annexation studies of the property. She also suggested the use of small buses into BlackBerry Farm.

Council gave the following direction and asked for more information on the following:

- Add to Work Program the Bicycle Pedestrian Commission's recommendation to do a feasibility study on class one bike lanes.
- Add to Work Program (include in Civic Center Master Plan) installation of a pole in the Civic Center showing directional signs with the names of each Sister City and how many miles it is from Cupertino.
- Bring back to Council a Safe Routes to Schools map noting sidewalk gaps and cost to update the gaps.
- With budget proposal, bring analysis of revenue assumption for Blackberry Farm with no buses being allowed. Also bring analysis of golf course revenue assumption.
- Put in Items a list of which schools are included in the Memorandum of Understanding with the City regarding usage of grounds after school hours and on weekends, and confirm signage is posted noting the allowed usage.
- Add to Work Program the possibility of annexation of the Lawrence Mitty parcel from the City of San Jose.
- Supply information on when the Below Market Rate (BMR) impact fee would apply to new developments.

## ADJOURNMENT

At 6:24 p.m. Mayor Sinks adjourned the Special City Council meeting to the Regular City Council meeting.

### **REGULAR CITY COUNCIL MEETING**

#### **PLEDGE OF ALLEGIANCE**

At 6:50 p.m. Mayor Rod Sinks called the Regular City Council meeting to order in Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

#### **ROLL CALL**

Present: Mayor Rod Sinks, Vice Mayor Barry Chang, and Council members Darcy Paul, Savita Vaidhyanathan, and Gilbert Wong. Absent: None.

#### **CEREMONIAL MATTERS AND PRESENTATION**

1. Subject: Presentation by Tim McRae, Director of Energy for the Silicon Valley Leadership Group (SVLG) regarding the "Turning Red Tape into Red Carpet" award program that honors the best practices and innovative services of government entities in the Silicon Valley region  
Recommended Action: Receive the presentation

Mr. McRae presented the "Turning Red Tape into Red Carpet" award to the City of Cupertino representing the winner in the Sustainable Green Development category with its "Green Biz Cupertino."

#### **POSTPONEMENTS**

Wong moved and Vaidhyanathan seconded to postpone item number 13 and bring it back on a future Council agenda. The motion carried unanimously.

#### **ORAL COMMUNICATIONS**

Phyllis Dickstein talked about her concerns with the survey on community benefits and building heights.

Gary Latshaw talked about drought and climate change and their effect on urban planning. He suggested mechanisms to help reduce the impact of these issues.

Cheryl Lilienstein, President of Palo Altans for Sensible Zoning talked about public benefits for increased zoning. She mentioned some specific examples of how this didn't work in Palo Alto.

Steven Scharf talked about a newly-established residential group in Cupertino called Residents for Sensible Zoning, [www.crszaction.org](http://www.crszaction.org). He mentioned some of the group's core beliefs regarding zoning concerns in Cupertino.

Robert McKibbin representing Concerned Citizens of Cupertino (CCC) asked Council to reject any results received from the community benefits and building heights survey. He explained his reasons and read a few sample questions as examples of the concerns.

Peggy Griffin, member of Cupertino Residents for Sensible Zoning talked about concerns over development and loss of Cupertino's ridgeline. She showed pictures noting what Cupertino used to look like versus now.

Sunil Satnur talked about concerns with how fast the General Plan Amendment (GPA) is moving without considering impacts to Cupertino such as traffic and schools. He urged Council to take the process one step at a time.

Lisa Warren talked about concerns with the community benefits and building heights community survey regarding problems with completion of the survey and possible responses being lost.

Jon Willey showed pictures of Sunnyvale Town Center and the comparison of what development at Vallco would look like. He distributed handouts of the pictures.

Liang-Fang Chao talked about community developments and building heights increasing traffic and having other impacts. She also asked to have a parks and community services agreement in place first.

Paula Wallis said that the amicus brief deadline was March 8 and thanked Council for considering the item but that it is no longer possible. She asked Council for its leadership in working with the County and the regulatory agencies that oversee Lehigh for the best possible operation that serves the public interest.

Tim Brand talked about issues with selenium readings in the water being out of compliance due to Lehigh. He distributed information regarding these readings and other additional information for Council.

Reed Moulds from Sand Hill Property Company talked about revitalizing Vallco and noted a website for more information [www.vallcovision.com](http://www.vallcovision.com).

Mitch Smith, owner of Solar Technology Builders talked about the HERO program (Home Energy Renovation Opportunity). He noted that if the program were adopted in Cupertino, homeowners would receive financing for water and energy conservation and a tax credit for going solar. He distributed information about the program.

Xiaowen Wang, representing Better Cupertino talked about office allocation in Cupertino regarding how much is needed vs how much is planned. She distributed the information shown to Council.

Muneesh Goomer talked about Vallco development and rezoning.

## CONSENT CALENDAR

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

2. Subject: Accept Accounts Payable for period ending January 30, 2015  
Recommended Action: Adopt Resolution No. 15-008 accepting Accounts Payable for the period ending January 30, 2015
3. Subject: Accept Accounts Payable for period ending February 6, 2015  
Recommended Action: Adopt Resolution No. 15-009 accepting Accounts Payable for the period ending February 6, 2015
4. Subject: Accept Accounts Payable for period ending February 13, 2015  
Recommended Action: Adopt Resolution No. 15-010 accepting Accounts Payable for the period ending February 13, 2015
5. Subject: Approve appointment of the Planning Commission representative to the Environmental Review Committee  
Recommended Action: Approve appointment
6. Subject: Application for Alcoholic Beverage License for Kikusushi Japanese Restaurant, 1655 S De Anza Boulevard, Suite 6  
Recommended Action: Recommend approval of Application for Alcoholic Beverage License for Kikusushi Japanese Restaurant, 1655 S De Anza Boulevard, Suite 6

7. Subject: Application for Alcoholic Beverage License for Chipotle Mexican Grill Store 2549, 20688 Homestead Road  
Recommended Action: Recommend approval of Application for Alcoholic Beverage License for Chipotle Mexican Grill Store 2549, 20688 Homestead Road
8. Subject: Application for Alcoholic Beverage License for Safeway #3251, 20620 Homestead Road  
Recommended Action: Recommend approval of Application for Alcoholic Beverage License for Safeway #3251, 20620 Homestead Road
9. Subject: Application for Alcoholic Beverage License for Gumbas Restaurant, 21678 Stevens Creek Boulevard  
Recommended Action: Recommend approval of Application for Alcoholic Beverage License for Gumbas Restaurant, 21678 Stevens Creek Boulevard

#### **SECOND READING OF ORDINANCES - None**

#### **PUBLIC HEARINGS – None**

#### **ORDINANCES AND ACTION ITEMS**

10. Subject: Pilot Program for Early Morning Collection of Recology Containers on Select Streets in the Tri-School Area.  
Recommended Action: Provide direction to staff on whether to implement the pilot program as proposed.

Written communications for this item included an email from Scott Hughes to City Council.

Mayor Sinks noted that he lives in the zone for this item and recused himself from the discussion. He left the dais and Vice Mayor Chang took over as chair for this item.

Director of Public Works Timm Borden reviewed the staff report.

Assistant Director of Public Works Roger Lee explained more about the pilot program.

Staff answered questions from Council.

Suzanne Ford talked about issues with early collection and suggested ways to increase traffic safety for students and parents.

Scott Hughes talked about possibly changing the pickup day to Wednesday because of a later school start. He also suggested expanding the pilot program to Rainbow Drive.

Rhoda Fry talked about child safety issues regarding trucks and having cans in the right-of-way. She asked what other cities do.

Council asked questions from John Zirelli, General Manager at Recology.

Vaidhyanathan moved and Wong seconded to start the pilot program for early morning collection of Recology containers on select streets in the tri-school area on major arteries at the currently scheduled time and on feeder streets at 6:00 a.m. for the pilot period ending June 13 (last day of school is June 12). The motion carried with Sinks recusing.

Mayor Sinks returned to the Dais.

11. Subject: An Ordinance of the City Council of the City of Cupertino Amending Section 11.32 of the Cupertino Municipal Code Relating to Truck Traffic Routes.  
Recommended Action: Conduct First Reading of Ordinance No. 15-2128: "An Ordinance of the City Council of the City of Cupertino amending Chapter 11.32 of the Cupertino Municipal Code to restrict truck access to streets adjacent to public schools during certain hours"

Written communications for this item included a truck route ordinance map.

Director of Public Works Timm Borden reviewed the staff report.

The following individuals spoke on this item:

Scott Hughes

Kevin McClelland

David Fung (distributed documents of two maps)

Cynthia Chung

Rerathy Narasimhan

Elaine Lu

Paula Wallis

Their comments included: expand truck restriction beyond 500 feet; extend time to 10:00 a.m.; include McClellan and Rainbow; expand to all trucks such as tree cutting services and PG&E; limit all truck traffic throughout Cupertino during school hours.

Sheriff Deputies answered questions from Council regarding citation infractions.

Staff answered questions from Council.

Wong moved and Paul seconded to read Ordinance No. 15-2128 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Sinks, Chang, Paul, Vaidhyanathan, and Wong. Noes: None. Abstain: None. Absent: None.

Council made the following ordinance amendments and gave direction to staff for the second reading:

- Bring back information on citation authority and fine amounts
- Also include McClellan Road between Bubba and Stelling and any other roads that staff defines to be within 500 feet of school entrances
- Bring back findings regarding possibly including rainbow drive

Council recessed from 9:30 p.m. to 9:40 p.m.

12. Subject: 2015 Bikeway Improvement Prioritization update to the 2011 Cupertino Bicycle Transportation Plan  
Recommended Action: Adopt the 2015 Bikeway Improvement Prioritization update to the 2011 Cupertino Bicycle Transportation Plan

Written communications for this item included: various emails to Council and a staff PowerPoint presentation.

Director of Public Works Timm Borden gave a brief overview of the item.

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

The following individuals spoke on this item:

Pete Heller, Bicycle Pedestrian Commission Chair  
Gary Jones, Bicycle Pedestrian Commissioner  
Sean Lyn, Bicycle Pedestrian Commissioner



Naomi Bloom  
Taghi Saadati  
Jon Kaplan  
Scott Hughes  
Frank Geefay  
Stewart Kelly (distributed handout on 2015 Bike Plan priority items)  
Jennifer Griffin  
Rerathy Narasimhan  
John Mumy

Their comments included: green bike lanes increase visibility especially with bike and auto cross-over lanes; do more with class one bike lanes in the future to increase safety; support of bike plan update and priority one items around schools has support of community; parent support also important; education of drivers, pedestrians, and bicyclists important; suggestions for other safety ideas such as lighted crosswalks, signage, etc.; increase funding to cover all priority one and two items within the next 12-18 months; increase staffing on public safety and update the pedestrian plan; add white PVC posts in certain bike lane areas; make streets safe for bikes immediately with additional bike infrastructure; add finding to include upgrade to school routes; bring back school buses; paint bike lanes for Hyde Middle School also; focus on enforcement of both drivers and bicyclists.

Wong moved and Paul seconded to adopt the 2015 Bikeway Improvement Prioritization update to the 2011 Cupertino Bicycle Transportation Plan with direction to staff to ask Cupertino Union School District (CUSD) regarding a trial school bus program. The motion carried unanimously.

13. Subject: Update of the City of Cupertino Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan  
Recommended Action: Approval of the City of Cupertino Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update

Under postponements, this item was postponed to an upcoming City Council agenda.

14. Subject: Consideration and approval of the Mid-Year Financial Report and recommended budget adjustments for fiscal year (FY) 2014-2015  
Recommended Action: 1. Accept the City Manager's Mid-Year Financial Report 2. Approve the Mid-Year adjustments for fiscal year 2014-2015 as described in the Mid-Year Financial Report 3. Adopt Resolution No. 15-011 approving Mid-Year budget adjustments

Written communications for this item included a staff PowerPoint presentation.

Finance Manager Lisa Taitano and Assistant to the City Manager Jaqui Guzman reviewed the staff report via a PowerPoint presentation and answered questions from Council.

Scott Hughes talked about setting aside funds for public safety items such as crossing guards, raised crosswalks, flashing lights in crosswalks, and the use of modern buses in lieu of school buses in locations where kids can't walk or bike to school.

Wong moved and Chang seconded (with a friendly amendment by Vaidhyanathan to include priority item number 25), and the motion carried unanimously to: 1. Accept the City Manager's Mid-Year Financial Report; and 2. Approve the Mid-Year adjustments for fiscal year 2014-2015 as described in the Mid-Year Financial Report; and 3. Adopt Resolution No. 15-011 approving mid-year budget adjustments with the following amendments regarding the 2015 Bikeway Improvement Priorities in the 2011 Cupertino Bicycle Transportation Plan:

- Approve the recommended increase of \$345,000 plus an additional \$90,000 for a total of \$435,000 to implement priority item numbers 9, 10, 14, 24, 26, 7, 19, 20, and 25.
- Priority item numbers 7, 19, 20, and 25 to be implemented as feasible and as resources are available prior to July 1, 2015.
- Direction to work with consultant on mobility study regarding bus routes to schools

15. Subject: Set the dates for the Teen Commission application deadline and interviews and discuss potential streamlining of application process  
Recommended Action: Staff recommends the following: 1. Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 8; and 2. Interviews held beginning at 3:30 p.m. on Tuesday, May 26 and Wednesday, May 27 (as needed); 3. Discuss potential streamlining of the application process and direct staff to prepare a draft resolution noting any changes Council would like to make

City Clerk Grace Schmidt reviewed the staff report.

Wong moved and Chang seconded to set the application deadline for Friday, May 8 at 4:30 p.m. and hold interviews on Tuesday, May 26 and Wednesday, May 27

beginning at 3:30 p.m. with no change to the application process. The motion carried unanimously.

## REPORTS BY COUNCIL AND STAFF

City Manager David Brandt said staff would re-notice the General Plan Amendment for changes to development allocations item to April 21 if all Council members would not be in attendance on March 17.

16. Subject: Construction Project Update Report  
Recommended Action: Receive Construction Update Report

Council concurred to continue this item to the next meeting.

17. Subject: Report on Committee Assignments  
Recommended Action: Report on Committee Assignments

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

Council members concurred to agendize an item regarding a discussion on how items may be added to a City Council agenda.

## ADJOURNMENT

At 12:37 a.m. on Wednesday, March 4, 2015, Mayor Sinks adjourned the meeting to March 17 at 6:00 p.m. for Technology, Information, and Communications Commission (TICC) interviews, City Hall Conference Room A, 10300 Torre Avenue, Cupertino, CA.

/s/ Grace Schmidt

---

Grace Schmidt, City Clerk

Staff reports, backup materials, and items distributed at the City Council meeting are available for review at the City Clerk's Office, 777-3223, and also on the Internet at [www.cupertino.org](http://www.cupertino.org). Click on Agendas & Minutes, then click on the appropriate Packet.

Most Council meetings are shown live on Comcast Channel 26 and AT&T U-verse Channel 99 and are available at your convenience at [www.cupertino.org](http://www.cupertino.org). Click on Agendas & Minutes, and then click Archived Webcast. Videotapes are available at the Cupertino Library, or may be purchased from the Cupertino City Channel, 777-2364.