



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, October 18, 2016**

**SPECIAL CITY COUNCIL MEETING**

**ROLL CALL**

At 5:00 p.m. Mayor Barry Chang called the City Council meeting to order in Cupertino City Hall Conference Room A, 10300 Torre Avenue.

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

**CLOSED SESSION**

1. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Manager; Appointed Employees Compensation Program

Mayor Chang announced that Council gave direction to staff.

2. Subject: Public Employee Performance Evaluation (Gov't Code Section 54957). Title: City Attorney; Appointed Employees Compensation Program

Mayor Chang announced that Council gave direction.

3. Subject: Conference with Labor Negotiators (Gov't Code Section 54957.6); Agency designated representatives: City Manager, Director of Administrative Services; Employee organizations: Unrepresented (Management and Confidential) Employees' Compensation Program

Mayor Chang announced that Council gave the following direction: equity adjustments 5% increase in 2016, 4% in 2017, and 3% in 2018, all increases are retroactive.

**ADJOURNMENT**

**REGULAR CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Barry Chang convened the Regular City Council meeting in Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

**ROLL CALL**

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

Council concurred to reorder the agenda to take up item number 2 first.

**CEREMONIAL MATTERS AND PRESENTATIONS**

2. Subject: Presentation by Toyokawa Sister City Committee regarding recent trip  
Recommended Action: Receive the presentation by Toyokawa Sister City Committee regarding recent trip

First Vice President Sharon Fong from the Toyokawa Sister City Committee and the students from the 2016 student delegation shared their experiences from the recent trip and presented Council with the gift of a book. Council received the presentation and gift.

**STUDY SESSION**

1. Subject: Study Session regarding Sustainable Strategies for Recycling and Waste Management  
Recommended Action: 1. Receive information and public comment at study session; 2. Direct staff to investigate sustainable strategies that strengthen solid waste reduction measures as identified in the City of Cupertino Climate Action Plan (CAP), and; 3. Solicit future input from the Sustainability Commission in evaluating strategies that maximize the amount of waste products that are recycled, reused or composted, and; 4. As determined necessary, schedule for Council consideration the amendment of applicable chapters of the City of Cupertino Municipal Code to enforce solid waste reduction measures, and; 5. As determined necessary, schedule for Council consideration the authorization and negotiation of agreements between the City of Cupertino and potential recycling/organic processing sites. 6. As determined necessary, schedule for Council consideration amendments to the Franchise Agreement between the City of Cupertino and Recology Cupertino for Collection and Processing of

Recyclable and Compostable Materials, and the Collection and Disposal of Garbage  
(Franchise Agreement)

Written communications for this item included a staff PowerPoint presentation.

Assistant Director of Public Works Roger Lee reviewed the staff report via a PowerPoint presentation.

Council received the information regarding sustainable strategies for recycling and waste management. There were no speakers for public comment.

Councilmember Paul excused himself from the rest of the meeting and left the dais.

Council recessed from 8:19 p.m. to 8:40 p.m.

**CEREMONIAL MATTERS AND PRESENTATIONS - Continued**

3. Subject: Library Commission Fiscal Year 2016-17 Work Plan presentation  
Recommended Action: Receive the Library Commission Fiscal Year 2016-17 Work Plan presentation

Written Communications for this item included a PowerPoint presentation.

Library Commission Chair Jerry Liu and Commissioners Ann Stevenson and Gopal Kumar gave a presentation on the Library Commission Work Plan for FY 2016-17. Council received the presentation.

4. Subject: Cupertino Safe Routes to School Program Update  
Recommended Action: Receive Cupertino Safe Routes to School Program Update

Written communications for this item included a staff PowerPoint presentation.

Safe Routes to School Coordinator Chelsea Biklen gave an update on the Cupertino Safe Routes to School Program via a PowerPoint presentation. Council received the update.

5. Subject: Presentation from the Taipei Friendship City Committee regarding a Smart City Conference in May of 2017  
Recommended Action: Receive the presentation

A representative from the Taipei Friendship City Committee gave a presentation regarding a Smart City Conference in May 2017. Council received the presentation.

**POSTPONEMENTS - None**

**ORAL COMMUNICATIONS**

Mark Brodsky talked about traffic congestion in the area and a Transnet airspace solution at Vallco.

Kimberly Sandstrom talked about her appeal on being excluded from Below Market Rate (BMR) housing.

Usha Srinivasan, Founder and President of Sangam Arts talked about the upcoming Mosaic America music and dance presentation at De Anza Performing Arts Center on November 4 and 5.

Liana Crabtree talked about the 2015 Council resolution adopting the GPA addendum regarding height in special neighborhoods.

Lisa Warren talked about a mailer for Measure C speaking to heights in the neighborhoods. (Distributed written comments).

Ignatius Ding talked about the 2015 Council resolution adopting the GPA addendum regarding height in special neighborhoods.

Liang Chao talked about Measure C on the upcoming November ballot.

**CONSENT CALENDAR**

Sinks moved and Vaidhyanathan seconded to approve the items on the Consent Calendar as presented with the exception of item number 7 which was pulled for discussion. Wong offered a friendly amendment to also pull item number 10. The friendly amendment was accepted. Ayes: Chang, Vaidhyanathan, Sinks and Wong. Noes: None. Abstain: None. Absent: Paul.

6. Subject: Approve the October 4 City Council minutes  
Recommended Action: Approve the October 4 City Council minutes

7. Subject: Request from the Taipei Friendship City Committee for City to Sponsor a Smart City Conference in May of 2017

Recommended Action: Sponsor the proposed Smart City Conference

Wong moved and Chang seconded to accept the request from the Taipei Friendship City Committee for the City to sponsor a Smart City Conference in May of 2017. The motion failed with Chang and Wong voting yes, Sinks and Vaidhyanathan voting no and Paul absent.

Wong moved and Chang seconded to continue the request from the Taipei Friendship City Committee for the City to sponsor a Smart City Conference in May of 2017 to a meeting with all Councilmembers present. Vaidhyanathan offered a friendly amendment to see a more concrete plan from the sponsor. The friendly amendment was accepted. The motion carried with Paul absent.

8. Subject: Authorize an additional full-time equivalent (FTE) position in the City Attorney's Office

Recommended Action: Adopt Resolution No. 16-106 to: 1) Increase FTE in the City Attorney's Office from 3 FTE to 4 FTE by adding a Deputy City Attorney position; and 2) Authorize a budget adjustment of \$60,000 in the City Attorney's program budget

9. Subject: Adopt resolution increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented group, Cupertino Employees' Association, Operating Engineers, Local Union No. 3, Appointed, Elected Officials, and retired annuitant groups.

Recommended Action: Adopt Resolution No. 16-107 increasing employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local Union No. 3, Appointed, Elected Officials, and retired annuitant groups

10. Subject: Approve the terms and conditions of employment for the Unrepresented (Management and Confidential) Employees, Appointed Employees, and Elected officials

Recommended Action: 1. Adopt Resolution No. 16-108 amending the Compensation Program for the Unrepresented (Management and Confidential) Employees; and 2. Adopt Resolution No. 16-109 amending the Compensation Program for the Appointed Employees; and 3. Adopt Resolution No. 16-110 amending the Compensation Program for the Elected Officials; and 4. Make the necessary budget adjustments to ensure that

there are sufficient budget appropriations to cover the costs related to changes to the compensation program

Written communications for this item included amended resolutions and Compensation Programs.

Wong moved and Vaidhyanathan seconded to adopt Resolution No. 16-108 amending the Compensation Program for the Unrepresented (Management and Confidential) employees with the additional amendment to equity adjustments to up to 5% in 2016, 4% in 2017, and 3% in 2018 for management classifications, all increases are retroactive to October 1, 2016; and 2. Adopted Resolution No. 16-109 amending the Compensation Program for the Appointed Employees; and 3. Adopted Resolution No. 16-110 amending the Compensation Program for the Elected Officials; and 4. Approved necessary budget adjustments to ensure that there are sufficient budget appropriations to cover the costs related to changes to the Compensation Program. The motion carried with Paul absent.

11. Subject: Approval of the Third Amendment to Santa Clara Valley Urban Runoff Pollution Prevention Program Memorandum of Agreement to extend its term through one fiscal year beyond the date of termination of the current Municipal Regional Stormwater Permit (estimated 2021)  
Recommended Action: Authorize the City Manager to execute the Third Amendment (Attachment A) to an Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Attachment B), a multi-jurisdictional Agreement between Santa Clara County, the Santa Clara Valley Water District, and thirteen Santa Clara County municipalities
12. Subject: Application for Alcohol Beverage License for PEF, LLC (dba Enzo's Restaurant), 21275 Stevens Creek Boulevard, Suite 510  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for PEF, LLC (dba Enzo's Restaurant), 21275 Stevens Creek Boulevard, Suite 510
13. Subject: Application for Alcohol Beverage License for Genzo Sekine (dba Bacchus Wines), 10643 Larry Way  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Genzo Sekine (dba Bacchus Wines), 10643 Larry Way

**SECOND READING OF ORDINANCES - None****PUBLIC HEARINGS**

14. Subject: Enact an Urgency Ordinance to prohibit non-medical marijuana cultivation, dispensaries, transport and deliveries and commercial cannabis activities within the City of Cupertino. (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 Interim Urgency Ordinance No. 16-2153 "An Interim Urgency Ordinance of the City Council of the City of Cupertino Establishing a Moratorium on Non-Medical Marijuana Dispensaries, Marijuana 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 an amended ordinance page and a staff PowerPoint presentation.

Principal Planner Piu Ghosh reviewed the staff report via a PowerPoint presentation.

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Sinks seconded to read Interim Urgency Ordinance No. 16-2153 by title only and that the City Clerk's reading would constitute the only reading thereof. Ayes: Chang, Sinks, Vaidhyanathan and Wong. Noes: None. Abstain: None. Absent: Paul.

Wong moved and Sinks seconded to enact Interim Urgency Ordinance No. 16-2153. Ayes: Chang, Sinks, Vaidhyanathan and Wong. Noes: None. Abstain: None. Absent: Paul.

**ORDINANCES AND ACTION ITEMS**

15. Subject: Consideration of an ordinance to repeal and replace Cupertino Municipal Code Chapter 16.52 regarding prevention of flood damage for properties within the City  
Recommended Action: Conduct the first reading of Ordinance No. 16-2154: "An Ordinance of the City Council of the City of Cupertino to repeal and replace Cupertino Municipal Code Chapter 16.52 regarding prevention of flood damage for properties within the City"

Written communications for this item included an amended ordinance.

City Clerk Grace Schmidt read the title of the ordinance.

Wong moved and Vaidhyanathan seconded to read Ordinance No. 16-2154 by title only and that the City Clerk's reading would constitute the first reading thereof. Ayes: Chang, Sinks, Vaidhyanathan and Wong. Noes: None. Abstain: None. Absent: Paul.

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

16. 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.

#### **ADJOURNMENT**

At 10:37 p.m., Mayor Chang adjourned the meeting.

/s/Grace Schmidt  
Grace Schmidt, City Clerk