



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, February 21, 2017**

**REGULAR CITY COUNCIL MEETING**

**ROLL CALL**

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

Present: Mayor Savita Vaidhyanathan, Vice Mayor Darcy Paul (left the meeting at 8:00 p.m.), and Councilmembers Barry Chang and Steven Scharf. Absent: Councilmember Rod Sinks.

**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Presentation of Certificates of Recognition for the Science Fair winners and Science and Talent Search winners  
Recommended Action: Present Certificates of Recognition for the Science Fair winners and Science and Talent Search winners

Mayor Vaidhyanathan presented the Certificates of Recognition for the Science Fair winners and Science and Talent Search winners.

**POSTPONEMENTS**

Chang moved and Paul seconded to postpone item number 10 to March 7. The motion carried with Scharf voting no and Sinks absent.

**ORAL COMMUNICATIONS**

Phyllis Dickstein talked about General Plan Amendments

Cristina Suarez talked about Vallco redevelopment

Muni Madhhipatla talked about retail rezoning

Carlos Almeida on behalf of Pete Heller – talked about The Hills at Vallco project and read a letter from Peter Heller

Luke Lang talked about traffic issues

Rhoda Fry talked about noise levels at Lehigh (distributed written comments)

Michelle Bazarguin talked about Vallco and retail development.

## CONSENT CALENDAR

Chang moved and Paul seconded to approve the items on the Consent Calendar as presented.

Ayes: Vaidhyanathan, Paul, Chang and Scharf. Noes: None. Abstain: None. Absent: Sinks.

2.     Subject: Approve the January 30 special meeting (commissions interviews) City Council minutes  
          Recommended Action: Approve the January 30 special meeting (commissions interviews) City Council minutes
3.     Subject: Approve the January 31 special meeting (commissions interviews) City Council minutes  
          Recommended Action: Approve the January 31 special meeting (commissions interviews) City Council minutes
4.     Subject: Approve the February 7 City Council minutes  
          Recommended Action: Approve the February 7 City Council minutes
5.     Subject: Sidewalk Renovation-Stevens Creek Blvd (Stelling-De Anza) Project, No. 2017-21  
          Recommended Action: Authorize the City Manager to award and execute a construction contract with JJR Construction, Inc. in the amount of \$179,795 and approve a construction contingency of \$18,000 for a total of \$197,795
6.     Subject: Approve a semi-rural designation eliminating the requirement for sidewalks on a portion of San Fernando Avenue, south of the Blackberry Farm Entrance, pursuant to Ordinance No. 1925  
          Recommended Action: Adopt Resolution No. 17-019 designating a portion of San Fernando Avenue as semi-rural
7.     Subject: Planning Commission's recommendation to select Don Sun as the Environmental Review Committee representative.  
          Recommended Action: Accept the Planning Commission's recommendation to the Environmental Review Committee.

## SECOND READING OF ORDINANCES

8. Subject: Second Reading of an ordinance 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 the second reading and enact 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 Regarding Restrictions on Riding Bicycles on Sidewalks and Pedestrian Paths"

City Clerk Grace Schmidt read the title of the ordinance.

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

Chang moved and Paul seconded to enact Ordinance No. 17-2161. Ayes: Vaidhyathan, Paul and Chang. Noes: Scharf. Abstain: None. Absent: Sinks.

## **PUBLIC HEARINGS**

9. Subject: Consideration pursuant to a Lease with San Jose Water Company, of the reasonableness of an increase in water rates to customers served by the Cupertino Municipal Water System leased to San Jose Water Company. The increase in rates is substantially identical to that authorized for increased costs of operation and maintenance by the California Public Utilities Commission, for systems owned and operated by San Jose Water Company in other areas within the City.  
Recommended Action: 1. Hold a Public Hearing on proposed Cupertino Municipal Water System potable water rates and charges, and: 2. Postpone determination of reasonableness of the requested 3.83% rate increase until such time that San Jose Water Company provides to City relevant cost (repair, maintenance, operation) and relevant revenue data specific to the customers serviced by the Cupertino Municipal Water System.

Written communications for this item included emails to Council.

Director of Public Works Timm Borden reviewed the staff report.

Staff answered questions from Council.

Mayor Vaidhyathan opened the public hearing and the following individuals spoke.

Dave McLeroy  
Luke Lang  
Michelle Bazarguin  
Bindu Srikantappa

John Tang from San Jose Water Company answered questions from Council.

Mayor Vaidhyathan closed the public hearing.

Vice Mayor Paul left the meeting before the vote.

Chang moved and Scharf seconded to 1. Hold a Public Hearing on proposed Cupertino Municipal Water System potable water rates and charges, and: 2. Postpone determination of reasonableness of the requested 3.83% rate increase until such time that San Jose Water Company provides to City relevant cost (repair, maintenance, operation) and relevant revenue data specific to the customers serviced by the Cupertino Municipal Water System. The motion carried with Sinks and Paul absent. This item will be re-noticed.

10. Subject: Review and consider a development proposal submitted (Scandinavian Furniture Site), for consideration by the City Council, to authorize the proposed applicant to submit an application for a General Plan Amendment and staff to commence environmental and project review. (Application No.: GPAAuth-2016-01; Applicant: Kings Mill Group, Keith Fichtner; Location: 19900 Stevens Creek Boulevard; APN: 369-05-038)  
Recommended Action: Staff recommends that the City Council adopt the Resolution No. 17-020 (Attachment A) after determining whether the application is authorized to move forward to apply for a General Plan Amendment.

Written communications for this item included an email from the applicant.

Under postponements, this item was continued to March 7.

## **ORDINANCES AND ACTION ITEMS - None**

## **REPORTS BY COUNCIL AND STAFF**

11. 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 8:17 p.m., Mayor Vaidhyanathan adjourned the meeting.

/s/Grace Schmidt  
Grace Schmidt, City Clerk