



APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, May 2, 2017

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**

1. Subject: Proclamation declaring May as National Bike Month  
Recommended Action: Present Proclamation declaring May as National Bike Month

Mayor Vaidhyanathan presented the proclamation to Walk-Bike Cupertino members Larry Dean and Anastacia Novoshilova declaring May as National Bike Month.

2. Subject: Proclamation declaring May as National Foster Care Awareness Month  
Recommended Action: Present Proclamation declaring May as National Foster Care Awareness Month

Mayor Vaidhyanathan presented the proclamation to Santa Clara County Social Services Agency Social Worker Quyen Vu and foster parent Beena Das declaring May as National Foster Care Awareness Month.

**POSTPONEMENTS** - None

**ORAL COMMUNICATIONS**

Edward Hirshfield talked about transparency and courage, and Vallco redevelopment.

Will Shearin on behalf of Jennifer Shearin, talked about bike improvement funding.

Revathy Nakasimhan, Walk-Bike Cupertino member, talked about bike funding and improvements, and traffic on McClellan Road.

Dyathia Ramachandran talked about bike funding improvements and adding a railway path near Kennedy Middle School.

Larry Dean, Walk-Bike Cupertino member, talked about bike improvements and funding.

Anastacia Novoshilova, Walk-Bike Cupertino member, talked about bike lanes and bike safety near McClellan Road and Bubb Road, and around Apple Campus.

Former Mayor Dolly Sandoval talked about Lawrence Mitty Park and her experience with building Sterling Barnhart Park.

Ignatius Ding talked about the Smart City Summit and Cupertino Friendship Cities.

Andrea Horvath, on behalf of Cleo HOA, talked about a cell antenna application in her community (She distributed written comments).

Jean Bedord talked about age-friendly activities and retail models in Cupertino, and Vallco CAC direction (She distributed written comments).

Mark Tersini gave his speaking time to Jean Bedord.

J.R. Fruin talked about Vallco redevelopment and a Vallco Citizens' Advisory Committee (CAC) process.

Cecelia Attix talked about a Verizon cell antenna permit application proposed on Cleo Avenue (She distributed written comments).

Jennifer Griffin talked about changes in eastern Cupertino including Vallco, a proposed Shell gas station, and population runoff from neighboring cities.

Jane Facciolla talked about a Verizon cell application proposed on Cleo Avenue.

Mike McNutt talked about trash on roadways and streets, including abandoned shopping carts.

## **CONSENT CALENDAR**

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

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

3. Subject: Approve the April 18 City Council minutes\_  
Recommended Action: Approve the April 18 City Council minutes
4. Subject: Accept Accounts Payable for the period ending March 17, 2017  
Recommended Action: Adopt Resolution No. 17-038 accepting Accounts Payable for the period ending March 17, 2017
5. Subject: Accept Accounts Payable for the period ending March 24, 2017  
Recommended Action: Adopt Resolution No. 17-039 accepting Accounts Payable for the period ending March 24, 2017
6. Subject: Accept Accounts Payable for the period ending March 31, 2017  
Recommended Action: Adopt Resolution No. 17-040 accepting Accounts Payable for the period ending March 31, 2017
7. Subject: Accept Accounts Payable for the period ending April 7, 2017  
Recommended Action: Adopt Resolution No. 17-041 accepting Accounts Payable for the period ending April 7, 2017
8. Subject: Adopt a resolution affirming the City's commitment to being an equitable community  
Recommended Action: Staff recommends that the City Council adopt Resolution No. 17-045 affirming the City's commitment to a diverse, supportive, inclusive community and to protecting the constitutional rights of its residents
9. Subject: Letter of Support for State Senate Bill 231  
Recommended Action: Direct staff to send a letter of support for Senate Bill 231 (Hertzberg): Stormwater Stewardship from the Mayor, as attached
10. Subject: Declare brush to be a public nuisance and potential fire hazard and set hearing for June 20 for objections to proposed removal  
Recommended Action: Adopt Resolution No. 17-042 declaring brush to be a public nuisance and potential fire hazard and setting the hearing date for June 20
11. Subject: Amendment to Funding Agreement between the City of Cupertino and the Santa Clara Valley Transportation Authority (VTA) for the I-280/Wolfe Road Interchange Improvements Project

Recommended Action: Authorize the City Manager to execute an amendment to an existing agreement with the VTA to identify their respective obligations in regard to the I-280/Wolfe Road Interchange Improvements Project

12. Subject: Application for Alcohol Beverage License for TLT International (dba TLT & Grill), 20371 Stevens Creek Boulevard

Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for TLT International (dba TLT & Grill), 20371 Stevens Creek Boulevard

## SECOND READING OF ORDINANCES

13. Subject: Second reading of an ordinance amending the Municipal Code to develop an application process for the Single-Story Overlay Zoning Districts in Single-Family residential (R-1) zones (Application No.: MCA-2017-02; Applicant: City of Cupertino; Location: Citywide)

Recommended Action: Conduct the second reading and enact 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"

Deputy City Clerk Kirsten Squarcia read the title of the ordinance.

Sinks moved and Scharf seconded to read Ordinance No. 17-2162 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Vaidhyanathan, Paul, Scharf, and Sinks. Noes: Chang. Abstain: None. Absent: None.

Sinks moved and Scharf seconded to enact Ordinance No. 17-2162. Ayes: Vaidhyanathan, Paul, Scharf, and Sinks. Noes: Chang. Abstain: None. Absent: None.

14. Subject: Second 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 second reading of Ordinance 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 Lane, Larry Way and a portion of Merritt Drive, Monday through Friday between 8 a.m. and 4 p.m.

Deputy City Clerk Kirsten Squarcia 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 second reading thereof. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

Chang moved and Sinks seconded to enact Ordinance No. 17-2163. Ayes: Vaidhyanathan, Paul, Chang, Scharf, and Sinks. Noes: None. Abstain: None. Absent: None.

## **PUBLIC HEARINGS**

15. Subject: Update on regional drought response, adoption of 2017-18 Regulations Restricting Water Use and authorization of an amendment of the FY16/17 Memorandum of Understanding (MOU) with the Santa Clara Valley Water District (District) for the landscape conversion rebate program  
Recommended Action: Staff recommends that the City Council take the following actions:
- 1) Receive staff report on continued regional drought actions; and
  - 2) Adopt Resolution No. 17-043 with 2017-2018 Regulations Restricting Water Use; and
  - 3) Adopt Resolution No. 17-044 authorizing the City Manager to amend the FY16/17 Memorandum of Understanding (MOU) with the District for the landscape conversion rebate program to include the graywater laundry to landscape program and extend the MOU from December 30, 2017 to June 30, 2018.

Written communications for this item included a PowerPoint presentation.

Assistant Director of Public Works Roger Lee reviewed the staff report.

Staff answered questions from Council.

Directed staff to look into the simplifying the county pilot rebate program landscape conversion process; and quantify the evaporation and leakage of the Memorial Park ponds in terms of overall City usage; and expanding the Library fountain hours beyond 12 - 6 p.m. and increase hours on weekends, and report in the Items of Interest.

Mayor Vaidhyanathan opened the public hearing, there were no speakers, and closed the public hearing.

Chang moved and Sinks seconded to:

- 1) Receive staff report on continued regional drought actions; and
- 2) Adopt Resolution No. 17-043 with 2017-2018 Regulations Restricting Water Use; and
- 3) Adopt Resolution No. 17-044 authorizing the City Manager to amend the FY16/17 Memorandum of Understanding (MOU) with the District for the landscape conversion rebate program to include the graywater laundry to landscape program and extend the MOU from December 30, 2017 to June 30, 2018.

The motion carried unanimously.

## ORDINANCES AND ACTION ITEMS

- 16.** Subject: Discussion and funding for 2017 Independence Day Fireworks Display  
Recommended Action: Authorize staff to coordinate and implement a fireworks display on July 4th, 2017. This action authorizes the appropriation of an amount not to exceed \$100,000 for fireworks, City staff to support the event, and Santa Clara county Sheriff and Fire staff to ensure safe operations.

Written communications for this item included a PowerPoint presentation and emails.

Director of Recreation and Community Services Jeff Milkes reviewed the staff report.

Staff answered questions from Council.

The Mayor opened public comment and the following people spoke:

Claire Arndel  
Will Shearin

The Mayor closed public comment.

Staff answered questions from Council.

Paul moved and Sinks seconded to authorize staff to coordinate and implement a fireworks display on July 4th, 2017. This action authorizes the appropriation of an amount not to exceed \$100,000 for fireworks, City staff to support the event, and Santa Clara County Sheriff and Fire staff to ensure safe operations. The motion carried with Chang voting no.

**REPORTS BY COUNCIL AND STAFF**

17. Subject: Annual Report on the Pavement Management Program  
Recommended Action: Receive the report. No action is required

Written communications for this item included a PowerPoint presentation.

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

Staff answered questions from Council.

Council received the report. No action was required.

18. 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 9:26 p.m. on Mayor Vaidhyanathan adjourned the meeting.

/s/Kirsten Squarcia

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Kirsten Squarcia, Deputy City Clerk