



AGENDA
CUPERTINO CITY COUNCIL ~ Regular Meeting
10350 Torre Avenue, Cupertino Community Hall
October 21, 2014, 6:45 pm

CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL, NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, October 21, 2014, commencing at 5:05 p.m. in City Hall Conference Room A, 10300 Torre Avenue, Cupertino, California. Said special meeting shall be for the purpose of conducting a closed session regarding Subject: Conference with Legal Counsel - Initiation of Litigation pursuant to subdivision (c) of Section 54956.9: One Case; and Subject: Conference with Legal Counsel - Pending Litigation (Gov't Code Section 54956.9(a); New Cingular v. City of Alameda, et al, Superior Court of California, County of Los Angeles Case No. BC462270. Members of the public will have the opportunity to directly address the City Council before consideration of any item described in this notice. The regular meeting items will be heard at 6:45 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California.

[PLEDGE OF ALLEGIANCE - Regular Meeting 6:45 PM](#)

[ROLL CALL](#)

[CLOSED SESSION - Special Meeting 5:05 PM](#)

1. 14-0453 Subject: Conference with Legal Counsel - Initiation of Litigation pursuant to subdivision (c) of Section 54956.9: One Case
2. 14-0477 Subject: Conference with Legal Counsel - Pending Litigation (Gov't Code Section 54956.9(a); New Cingular v. City of Alameda, et al, Superior Court of California, County of Los Angeles Case No. BC462270

CEREMONIAL MATTERS AND PRESENTATIONS

3. [14-0464 Subject: Update by John Ristow from the Valley Transportation Authority \(VTA\) regarding the Highway 85 Express Lane Project](#)

Recommended Action: Receive update

4. [14-0184 Subject: Update from Santa Clara County Fire Department Fire Chief Kenneth Kehmna](#)

Recommended Action: Receive update

5. [14-0195 Subject: Update from the Cupertino Union School District \(CUSD\) Superintendent Wendy Gudalewicz](#)

Recommended Action: Receive update

6. [14-0423 Subject: Library Commission quarterly update regarding the 10th Anniversary of the Cupertino Library](#)

Recommended Action: Receive update

POSTPONEMENTS

[ORAL COMMUNICATIONS](#)

[CONSENT CALENDAR](#)

7. 14-0174 Subject: Approve the October 7 City Council minutes
Recommended Action: Approve minutes
[A - Draft Minutes](#)

8. 14-0467 Subject: Accept Accounts Payable for the period ending September 26, 2014
Recommended Action: Adopt Resolution No. 14-199 accepting Accounts Payable for the period ending September 26, 2014
[A - Draft Resolution](#)

[B - AP Report](#)

9. 14-0468 Subject: Accept Accounts Payable for the period ending October 3, 2014
Recommended Action: Adopt Resolution No. 14 -200 accepting Accounts Payable for the period ending October 3, 2014
[A - Draft Resolution](#)

[B - AP Report](#)

10. 14-0484 Subject: Accept Accounts Payable for period ending October 10, 2014
Recommended Action: Adopt Resolution No. 14-201 accepting Accounts Payable for the period ending October 10, 2014
[A - Draft Resolution](#)

[B - AP Report](#)

11. 14-0487 Subject: Second Amended Employment Contract for the City Manager.
Recommended Action: Approve the Second Amended Employment Contract for the City Manager.
[Staff Report](#)

[A - Redlined - Second Amendment](#)

[B - Clean Second Amendment](#)

12. 14-0424 Subject: City Project, 2013 Pavement Maintenance Phase 2, Project No. 2013-05

Recommended Action: Accept Project No. 2013-05

[Staff Report](#)

[A - Phase 2 Street List](#)

SECOND READING OF ORDINANCES

PUBLIC HEARINGS

13. [14-0376 Subject: Hyatt House Hotel development project](#)

Recommended Action: 1. Adopt Mitigated Negative Declaration (EA-2014-06); and 2. Adopt Resolution No. 14-202 approving Development Permit (DP-2014-04); and 3. Adopt Resolution No. 14-203 approving Use Permit (U-2014-04); and 4. Adopt Resolution No. 14-204 approving Architectural and Site Approval (ASA-2014-06); and 5. Adopt Resolution No. 14-205 approving Parking Exception (EXC-2014-07); and 6. Adopt Resolution No. 14-206 approving Tree Removal Permit (TR-2014-28); and 7. Adopt Resolution No. 14-207 approving Tree Removal Permit (TR-2014-40)

Description:

Application No.(s): ASA-2014-06, DP-2014-04, EXC-2014-07, TR-2014-28, U-2014-04, TR-2014-40 (EA-2014-06); Applicant: Edward Chan (Cupertino Property Development II, LLC.); Location: Perimeter Rd @ Wolfe Rd; APN: 316-20-092; Architectural Site Approval for a new 5-story, 148 room hotel and associated site and off-site improvements; Development Permit to allow the demolition of an existing parking lot and construct a 5 story, 148 room hotel of approximately 102,700 square feet that includes a restaurant, bar, lounge and conference rooms built over a 35,800 square foot underground parking garage that contains tandem parking; Parking Exception Permit to allow eight tandem parking stalls; Tree Removal Permit to allow the removal and replacement of 96 trees to facilitate the construction of a new hotel; Use Permit to allow a 24-hour hotel, including a restaurant with interior bar; Tree Removal Permit to allow the removal and replacement of 19 trees to facilitate the off-site improvements associated with the construction of a new hotel

[Staff Report](#)

[A - Mitigated Negative Declaration with Initial Study](#)

[B - Draft Resolution Development Permit \(DP-2014-04\)](#)

[C - Draft Resolution Use Permit \(U-2014-04\)](#)

[D - Draft Resolution Architectural and Site Approval \(ASA-2014-06\)](#)

[E - Draft Resolution Parking Exception \(EXC-2014-07\)](#)

[F - Draft Resolution Tree Removal Permit \(TR-2014-28\)](#)

[G - Draft Resolution Tree Removal Permit \(TR-2014-40\)](#)

[H - August 26, 2014 Planning Commission staff report and meeting minutes](#)

[I - Planning Commission Resolution No. 6752 \(ASA-2014-06\)](#)

[J - Planning Commission Resolution No. 6753 \(DP-2014-04\)](#)

[K - Planning Commission Resolution No. 6754 \(EXC-2014-07\)](#)

[L - Planning Commission Resolution No. 6755 \(TR-2014-28\)](#)

[M - Planning Commission Resolution No. 6756 \(U-2014-04\)](#)

[N - Planning Commission Resolution No. 6757 \(TR-2014-40\)](#)

[O - Applicant's description of active spaces for the project](#)

[P - Transportation Impact Analysis \(TIA\)](#)

[Q - City's Consulting Arborist report](#)

[R - Concerned Citizens of Cupertino \(CCC\) comment letter](#)

[S - South Vallco Connectivity Plan](#)

[T - Mitigation Monitoring and Reporting Program](#)

[U - Response to Comments \(RTC\) on the initial study](#)

[W - Plan set](#)

ORDINANCES AND ACTION ITEMS

14. [14-0154 Subject: Civic Center Master Plan - Selection of Preferred Project](#)

Recommended Action: Provide direction on the following, which will comprise the Preferred Project for the Civic Center Master Plan:

- a. City Hall, Library Program Room, and Garage Parking options; and then
- b. Other site development options.

[Staff Report](#)

[A - Chronology of Council Direction & Comm. Input Gathering](#)

[B - Civic Center Master Plan Costs Summary](#)

[C - City Hall Option A - Costs](#)

[D - City Hall Option B - Costs](#)

[E - City Hall Option C - Costs](#)

[F - City Hall Option D1 - Costs](#)

[G - City Hall Option D2 - Costs](#)

[H - City Hall Option E - Costs](#)

[I - City Hall Alternatives Study-Structural Evaluation](#)

[J - City Hall-MEP Systems Alternatives Study](#)

[K - Civic Center Master Plan Fact Sheet](#)

[L - Council Presentation](#)

[M - Precedent Examples of Recent City Halls](#)

15. [14-0471 Subject: Designate voting delegate and alternates for National League of Cities Annual Business Meeting November 22 in Austin, TX](#)

Recommended Action: Designate voting delegate and up to two alternatives

[Staff Report](#)

[A - Conference Information](#)

16. [14-0472 Subject: First reading of an ordinance amending Chapter 2.08 of Title 2 of the Cupertino Municipal Code to add section 2.08.145 to codify the existing Councilmember call for review \(continued from October 7\)](#)

Recommended Action: Introduce and conduct the first reading of Ordinance No. 14-2123: "An Ordinance of the City Council of the City of Cupertino amending the Cupertino Municipal Code Chapter 2.08 of Title 2 to include Section 2.08.145 relating to call for Council review"

[Staff Report](#)

[A - Draft Ordinance](#)

[B - Chart of Procedures for Review of Decisions of a Lower Body](#)

REPORTS BY COUNCIL AND STAFF

ADJOURNMENT

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law. Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails

notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/index.aspx?page=125> for a reconsideration petition form. In compliance with the Americans with Disabilities Act (ADA), the City of Cupertino will make reasonable efforts to accommodate persons with qualified disabilities. If you require special assistance, please contact the city clerk's office at 408-777-3223 at least 48 hours in advance of the meeting. Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site. Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.