



**CUPERTINO**

**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Regular Adjourned Meeting  
Tuesday, March 4, 2014**

**CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

At 3:05 p.m. Mayor Gilbert Wong called the regular adjourned City Council meeting to order in the Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA and led the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Gilbert Wong, Vice Mayor Rod Sinks, and Council members Barry Chang, Orrin Mahoney, and Mark Santoro. Absent: None.

**STUDY SESSION**

1. Subject: Study Session to review Housing Element requirements and sites to achieve the Regional Housing Needs Allocation (RHNA) for the upcoming 2014-2022 Housing Element  
Recommended Action: Review report and prioritize housing sites in order of preference, if desired  
Description: Application No.: GPA-2013-02; Applicant: City of Cupertino; Location/APN: Citywide

Written communications for this item included comments from the Planning Commission meeting on Feb. 19, 2014; comments from the City Council meeting on Aug. 20, 2013; chart from staff specifying sites in the General Plan Amendment for 2014; an email from Barbara Rogers; and a staff PowerPoint presentation.

Mayor Wong read a statement regarding a conflict of interest for this item. He left the dais and Vice Mayor Sinks took over chairing the meeting.

Senior Planner Piu Ghosh and consultant Veronica Tam reviewed the staff report via a PowerPoint presentation.

Jennifer Griffin asked Council to be sure to protect the neighborhoods when rezoning areas to a certain number of housing units.

David Clancy representing the restaurant and retail site next to the Cupertino Post Office said that they had just become aware of the housing discussions and are interested in seeing their site built up for higher density and believe they are a good candidate to be included in the Housing Element.

Barry Watkins representing the Target site (w26) said that he would like that site changed in the Housing Element from removed (gray) to at least low priority (yellow).

Robert McKibbin said that Cupertino residents don't want to see high density housing. He asked if limiting the size of the bedrooms would lower the footprint and help with density issues. He also asked who decides what properties are included on the Housing Element list, Council or the developer. He noted he likes Alternative A the best and asked if the Environmental Impact Review (EIR) would address the loss of retail.

Tracy Mugno asked what would be going in at the 5-acre parcel located on the north tip of the west side near Vallco.

Cathy Thaler encouraged Council to include as many properties as possible in the EIR since they could always be excluded afterward. She asked Council to also include in the EIR a focus on the residential streets that egress onto the Heart of the City (HOC) areas – Stevens Creek Blvd. and De Anza Blvd. She also asked how affordable housing fits in to the Housing Element.

City Attorney Carol Korade noted at this point that Alan Wong was withdrawing his property from the Housing Element area and that Mayor Wong no longer had a conflict of interest and could rejoin the Council. At 5:06 p.m. Mayor Wong returned to the dais.

Steve Gazzera owner of the Arya restaurant site on Stevens Creek Blvd. (site 5) said that he recently received correspondence that his property was in the Housing Element inventory site list, now recommended for removal. He noted that he was

possibly interested in keeping the site on the list but would like to discuss the issue more with Council and staff before make a final decision.

Peggy Griffin said she was concerned about the loss of retail identified on the Housing Element plan especially since it's difficult to fight a developer that wants to put housing on the site if included on the list. She noted that Cupertino residents want retail. She urged Council to keep the Target and Vallco sites for retail.

Council concurred to add the following parcels to study in the EIR: 5, 6, and all of the high and moderate parcels as shown in green and orange on the map in the packet.

Council recessed from 5:50 p.m. to 6:35 p.m.

2. Subject: Study session to provide an update on the focused General Plan Amendment (GPA-2013-01) process and review land use alternatives to be considered for analysis in the Environmental Impact Report (EIR). Proposed alternatives include options for City-wide development allocations (office, commercial, hotel, and residential), as well as building heights and densities for corridors, special centers, and seven study areas  
Recommended Action: Review the General Plan Amendment (GPA) Concept Alternatives to be studied in the EIR and provide comments

Written communications for this item included comments from the Planning Commission meeting on Feb. 19, 2014; comments from the City Council meeting on Aug. 20, 2013; chart from staff specifying sites in the General Plan Amendment for 2014; and a staff PowerPoint presentation.

Associate Planner George Schroeder reviewed the staff report via a PowerPoint presentation.

At 6:45 p.m. Mayor Wong recessed the study session portion of the agenda and moved to the regular business items portion of the agenda.

## CEREMONIAL MATTERS AND PRESENTATIONS

3. Subject: Presentation from Richard Price demonstrating his company's new application called Pulse Point  
Recommended Action: Receive presentation

Fire Dept. Chief Ken Kehmna and Richard Price gave a PowerPoint presentation highlighting the new PulsePoint application. A video was also shown further explaining how the app works.

Council received the presentation.

4. Subject: Planning Commission annual update  
Recommended Action: Receive update  
Description: Present Planning Commission Work Program ideas and discuss Planning Commission goals and accomplishments

Written communications for this item included a PowerPoint presentation.

Planning Commission Chair Paul Brophy gave an update on the Planning Commission work program via a PowerPoint presentation.

Council received the update.

**POSTPONEMENTS - None**

## ORAL COMMUNICATIONS

Capt. Ken Binder introduced Lt. Jim Cannan in the West Valley patrol division.

## CONSENT CALENDAR

Mahoney moved and Santoro seconded to approve the items on the Consent Calendar with the exception of item number 8 which was removed for discussion. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the February 18 City Council minutes  
Recommended Action: Approve the minutes

6. Subject: Accept Accounts Payable for period ending February 14, 2014  
Recommended Action: Adopt Resolution No. 14-124 accepting Accounts Payable for period ending February 14, 2014
7. Subject: Set the dates for the Teen Commission application deadline and interviews  
Recommended Action: Staff recommends the following deadlines: 1. Applications due in the City Clerk's office by 4:30 p.m. on Friday, May 9; and 2. Interviews held beginning at 3:30 p.m. on Tuesday, May 27 and Wednesday, May 28 (as needed)
8. Subject: Approval of an agreement for consultant services for the Civic Center Master Plan & Parking Garage Conceptual Design  
Recommended Action: Authorize the City Manager to execute a consultant agreement with Perkins+Will for urban planning and architectural design services for the Civic Center Master Plan & Parking Garage Conceptual Design, from the date of execution through March 31, 2015 for an amount not to exceed Five Hundred Seventy-one Thousand Dollars (\$571,000) in substantially similar format to the attached draft agreement

Santoro moved and Mahoney seconded to authorize the City Manager to execute a consultant agreement with Perkins+Will for urban planning and architectural design services for the Civic Center Master Plan & Parking Garage Conceptual Design, from the date of execution through March 31, 2015 for an amount not to exceed Five Hundred Seventy-one Thousand Dollars (\$571,000) in substantially similar format to the attached draft agreement. The motion carried unanimously.

9. Subject: Approve the sale of surplus City property on Greenleaf Drive near Castine Avenue (APN 326-41-114)  
Recommended Action: Adopt Resolution No. 14-125 approving the sale of surplus City property on Greenleaf Drive near Castine Avenue (APN 326-41-114) to Karkada and Vijaya Vasantharam, in the amount of \$38,000, and authorizing the City Manager to execute all the necessary documents to complete the sale

At 7:28 p.m. Mayor Wong recessed the regular business portion of the agenda and reconvened the study session to continue discussing item number two.

#### **STUDY SESSION – Cont.**

2. Subject: Study session to provide an update on the focused General Plan Amendment (GPA-2013-01) process and review land use alternatives to be considered for analysis in the Environmental Impact Report (EIR). Proposed

alternatives include options for City-wide development allocations (office, commercial, hotel, and residential), as well as building heights and densities for corridors, special centers, and seven study areas

Recommended Action: Review the General Plan Amendment (GPA) Concept Alternatives to be studied in the EIR and provide comments

Daniel Iacofano from MIG continued the PowerPoint presentation highlighting: GPA land use concept alternatives overview; what is a General Plan; schedule; concept alternatives process.

Dan Amsden from MIG continued the PowerPoint presentation highlighting: technical input; key opportunities; market study and retail strategy; available development allocation; other projects; community input; concept alternatives report; next steps; GPA schedule; upcoming meetings; Cupertino website information on GPA.

Jennifer Griffin asked what was wrong with Vallco Mall that it wasn't busy.

Barbara Perzigian, General Manager of the Cupertino Inn speaking on behalf of De Anza Properties, asked Council to move forward with an environmental study on all three alternatives. She noted that they plan to build a five-star conference center at their site.

Council concurred to direct staff to study all of the alternatives.

At 9:23 p.m. Mayor Wong adjourned the study session portion of the agenda to continue with the regular business items portion of the agenda.

Council recessed until 9:40 p.m.

**SECOND READING OF ORDINANCES - None**

**PUBLIC HEARINGS - None**

**ORDINANCES AND ACTION ITEMS**

10. Subject: Consideration and approval of the Mid-Year Financial Report and recommended adjustments for Fiscal Year 2013-2014

Recommended Action: 1. Accept the City Manager's Mid-Year Financial Report; 2. Adopt Resolution No. 14-126 approving the Mid-Year Budget adjustments related to

pass thru Revenues; 3. Adopt Resolution No. 14-127 approving the Mid-Year Budget adjustments

Written communications for this item included a staff PowerPoint presentation.

Interim Director of Administrative Services Kristin Alfaro reviewed the staff report via a PowerPoint presentation.

Mahoney moved and Wong seconded to accept the City Manager's Mid-Year Financial Report. The motion carried unanimously.

Mahoney moved and Wong seconded to adopt Resolution No. 14-126. The motion carried with Council member Sinks recusing himself due to a conflict of interest with Apple.

Mahoney moved and Wong seconded to adopt Resolution No. 14-127 with an amendment to remove \$70,000 in costs for the Parks Improvement and Restoration Manager and Case Manager. The motion carried unanimously.

Council recessed from 11:05 p.m. to 11:15 p.m.

11. Subject: First reading of Cupertino Municipal Code amendments to Chapter 16.58, Title 16, Buildings and Construction, relating to plug in electric vehicle charging systems; and Chapter 1.08 relating to the right of entry

Recommended Action: Conduct the first reading of Ordinance No. 14-2117: "An ordinance of the City Council of the City of Cupertino amending Chapter 16.58 of Title 16 of the Cupertino Municipal Code and adopting the 2013 California Green Building Standards Code with certain modifications relating to plug in electric vehicle charging systems and amending Chapter 1.08 of Title 1 of the Cupertino Municipal Code regarding the right of entry"

Director of Community Development Aarti Shrivastava reviewed the staff report via a PowerPoint presentation.

Mahoney moved and Wong seconded to read Ordinance No. 14-2117 by title only and that the City Clerk's reading would constitute the first reading thereof with the amendments as noted below. Ayes: Chang, Sinks, Mahoney, Santoro, and Wong. Noes: None. Abstain: None. Absent: None.

Council made the following amendments to Chapter 16.58 Electric Vehicle Charging Systems:

- New one family and two family
  - Install a dedicated circuit and either (i) listed raceway/conduit or (ii) wiring for a minimum of one (1) parking space
- New multifamily
  - Install a dedicated circuit and either (i) listed raceway/conduit or (ii) wiring for 5% of parking spaces; not less than one (1) parking space
- New non-residential
  - Install a dedicated circuit and either (i) listed raceway/conduit or (ii) wiring for 10% of parking spaces; not less than one (1) parking space

Council made the following amendment to Chapter 1.08 Right of Entry – changed “search warrant” to “inspection warrant.”

12. Subject: Consider cancelling the first meeting in August  
Recommended Action: Cancel first meeting in August

Santoro moved and Mahoney seconded to cancel the first meeting in August. The motion carried unanimously.

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

City Manager David Brandt noted that his Executive Assistant Karen Guerin had her baby and named her Maxine.

Mayor Wong said that the Council Work Program would be scheduled for Mon., March 24 at 2:00 p.m. in the Community Hall Council Chamber.

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

#### **ADJOURNMENT**

At 12:07 a.m. on Wednesday, March 5, Mayor Wong adjourned the meeting.

/s/ Grace Schmidt

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Grace Schmidt, City Clerk



Tuesday, March 4, 2014

Cupertino City Council

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.

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