



**CUPERTINO**

**APPROVED MINUTES  
CUPERTINO CITY COUNCIL**

Special Meeting  
Tuesday, February 19, 2013

**CITY COUNCIL MEETING**

**ROLL CALL**

At 5:07 p.m. Mayor Orrin Mahoney called the Special City Council meeting to order.

Present: Mayor Orrin Mahoney, and Council members Barry Chang, Mark Santoro, and Rod Sinks. Absent: Vice Mayor Gilbert Wong.

**STUDY SESSION**

1. Subject: Present solar feasibility study findings for the Civic Center and Service Center (Corporation Yard) and provide direction to staff  
Recommended Action: Receive report and provide direction on pursuing a municipal solar installation. If the Council desires to pursue a solar installation, provide direction on which facility(s) should be included and whether to use a capital financing plan or a power purchase agreement strategy. Provide further direction on whether to enter into a Memorandum of Understanding (MOU) between the City of Cupertino and the County of Alameda for the Regional Renewable Energy Procurement Project (R-REP)

Written communications for this item included a staff PowerPoint presentation.

Capital Improvement Program Manager Katy Jensen introduced Sustainability Manager Erin Cooke and Optony Senior Vice President Benjamin Foster, reviewed the staff report via a PowerPoint presentation, and highlighted the following information: Project Background, Feasibility Study Introduction, Report Findings for the Civic Center, Report Findings for the Service Center, Financing Options, and Relevant Regulatory Programs; Pursuing a solar installation at the Civic Center or Service Center or both; Available financing mechanisms of a capital financing

program or a solar power purchase agreement, and Joining the Alameda County R-REP by Memorandum of Understanding.

Optony Senior Vice President Benjamin Foster explained that a Virtual Net Metering program was authorized thru PG&E and is in effect, but it would not yield a net-savings to the City under the current cost structure for solar. He added that the incremental value earned from over-production is roughly half of what the production would be worth on-site, and half of that value would be given away to PG&E. He said new legislation and a new Public Utilities Commission rate-making process that would make it more equitable is a couple of years away, but the study provides an opportunity for when it becomes available and what can be done today for a net benefit to the City.

Gary Latshaw, representing Cool Cities in Cupertino, said climate change is very serious and that he sent an email to Council with a link from the Academy of Sciences offering advice on the sciences. He said that the total cost for renewable energy is less than fossil fuels but there are upfront costs to install the capital equipment. He noted that the benefits would rise once installed and the total energy requirements for our nation is related to wars and military costs. He asked Council to approve the minimum installations.

Jennifer Griffin said that adding solar to the Library parking lot, Quinlan Community Center, and the Service Center was heard two years and she thought it had been voted down then. She added that solar power is good in appropriate places and a viable alternative, but is a problem when trees are cut down in the parking lots and the Bioswale removed. She said trees were added when the new Library was built and it would waste taxpayer's money to cut them down. She noted that children play along the trees, the trees provide shade, and frogs live in the Bioswale. She asked Council to protect the trees if solar is added.

Mark Fink, Cupertino Librarian, said the Santa Clara County Library District has made an arrangement with the City of Gilroy to add solar panels to the Library and would also add them to the Library District administration building. He added that the Library spends \$150,000 in energy costs each year and the money could be re-allocated and save taxpayers money. He said the Library District is interested in looking for ways to add solar energy and suggested an arrangement with the City to make that happen.

Council gave the following direction to staff:

There was overall support to join the County of Alameda's Regional Renewable Energy Procurement Project (R-REP) by including the following City sites: (1) City Hall: evaluate other site options for the Civic Center including solar installations among the walkway structure between the Library and City Hall and a roof-mounted installation at Community Hall, if it is deemed cost effective and the roof can accommodate additional load; consider solar carports and alternative parking structures including the addition of a two-story parking structure above the Library parking lot with roof-mounted solar panels that would not impact the Master Plan; in all scenarios, minimize disruptions to the parking lot tree canopy and tree line adjacent to the Library park; explore and discuss financial options to support the addition of roof-mounted solar panels with the Library District; explore the addition of a meter within the Civic Center Plaza to showcase onsite solar energy generated and site energy savings as an educational tool; (2) Service Center: review additional data to evaluate financing options for purchasing the equipment; pursue an installation at the Service Center (Corporation Yard) and investigate right-sizing the solar system to offset the energy usage at the Mary Avenue Bridge site.

Council recessed from 6:36 p.m. to 7:00 p.m.

## **PLEDGE OF ALLEGIANCE**

At 7:00 p.m. Mayor Orrin Mahoney reconvened the Special City Council meeting and led the Pledge of Allegiance.

## **ROLL CALL**

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

## **CEREMONIAL MATTERS AND PRESENTATIONS**

2. Subject: Environmental Education Center and Outdoor Gathering Shelter conceptual design presentation  
Recommended Action: Receive the presentation of the conceptual design

Written communications for this item included conceptual drawings from Siegel and Strain Architects.

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Capital Improvement Program Manager Katy Jensen reviewed the staff report.

Consultant Henry Siegel from Siegel & Strain Architects reviewed the conceptual drawings and showed pictures from the current site via a PowerPoint presentation.

Ms. Jensen noted that the next steps would be to complete the design and go out for bid probably sometime in August, award the contract hopefully in September, and to begin construction in October.

Council received the report.

**POSTPONEMENTS - None**

## **ORAL COMMUNICATIONS**

Ann Stevenson updated the Council on some of the activities of the Library Commission. She explained that the Teen Advisory Board has developed two projects: 1) Electronic data bases for middle and high school students which offer real-time homework help from credentialed educators, access science which locates articles and practice tests, and a complete academic search which can access and save articles; and 2) A Green Tea Garden, funded by the Friends of Cupertino Library. Yamagami Nursery will be donating materials for an organic vegetable garden to be planted in the library courtyard. The vegetables will be harvested and then donated to a local food bank. She also said that Tech Tool Bar is available to offer patrons an opportunity to try out mobile devices from the library, and that a Chinese ESL class and book club are also available. She said the Library Joint Powers Authority Board approved a three year technology plan of over five million dollars to continue to meet the technology needs of the library.

Dave Denny, Cupertino Poet Laureate, said that the program started in 2011 and that his two-year term will end September 30. He explained that he has hosted a reading series in local coffee shops, appeared on the Better Part, and conducted writing workshops at the library. He also updated the Council about a poetry writing contest that was held for different age groups and noted that there were 110 entries with nine cash awards and framed certificates being distributed to the winners. Mr. Denny introduced Hope Nguyen who read her winning poem, Nature's Beauty. He said he is planning to have a poetry one-on-one lecture in April and more readings in the summer. He noted that applications would be going out Citywide in late spring or early summer to search for a new Poet Laureate. A review committee would interview

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and select a candidate, and City Council would approve the final appointment. He also announced that the winning poems are on display in the library near the teen room until April 1.

Maureen Jones brought an article called Fluoride Teeth and the Atomic Bomb. She said that some documents related to the country's atomic bomb program were declassified in 1995 and that it was determined that fluoride was the key chemical used in atomic bomb production. 12 lawsuits were filed in 1945, but were not settled because it was feared that the publicity surrounding them would threaten the progress of the bomb production program. She said the declassified documents can be found at [deepwaternewjerseylawsuit.com](http://deepwaternewjerseylawsuit.com) and that she gave the Santa Clara Valley Water District Board the documents in December of 2012.

Jenny Cheung talked about parking issues at the Metropolitan commercial area on Stevens Creek Boulevard. She said that there are five units at the Metropolitan retail complex and that there has always been parking issues since 2010, but ever since the opening of the coffee shop that the City approved last Fall, the parking situation is worse. She said there are a total of 22 spaces for the five units and now there is a coffee shop with 20 seats and people take the spaces away from her tenants.

Bu Truong, owner of an eye care shop in the Metropolitan, said the shortage of parking spaces has been worse since the coffee shop was approved. He said he approached City Planning and suggested that the parking spaces be allocated equally to each retailer, but the proposal was rejected. He said he has seen a decline in his business because people come to his shop with an appointment, but cannot find a place to park. He requested that the issue be reviewed formally and requested that the parking spaces be allocated to each retailer.

Barry Jones, business owner in the Metropolitan, said he was told that there was dedicated parking for retail and lots of other parking available for other retail and residents. He said that the parking situation was good for a while, but since the coffee shop opened in August he has seen a huge explosion of parking problems. He said with 22 dedicated parking spaces for retail either used by coffee shop or residents it makes it hard for the other retail customers to come and park. He suggested to the City that four spaces per shop be allocated with the name of the business on each, but it was rejected by the City. He requested Council assistance to resolve the issue.

The Mayor requested that staff review the issue and report back to Council.

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Darrel Lum said that he is a dentist and wanted to speak on the fluoride issue that was brought up earlier. He said that when water is fluoridated, cavities are decreased. He said he isn't familiar with the topics the other speaker addressed, but doesn't think it is pertinent to the fluoridation issue.

## CONSENT CALENDAR

Wong moved and Santoro seconded to approve the items on the Consent Calendar as recommended with the exception of item numbers 8 and 9 which were pulled for discussion. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None.

3. Subject: Approve the January 28 City Council minutes  
Recommended Action: Approve the minutes
4. Subject: Approve the January 29 City Council minutes  
Recommended Action: Approve the minutes
5. Subject: Approve the February 5 City Council minutes (Regular meeting)  
Recommended Action: Approve the minutes

Written communications for this item included an amended page to the minutes.

6. Subject: Approve the February 5 City Council minutes (Special meeting)  
Recommended Action: Approve the minutes
7. Subject: Accept Accounts Payable for period ending January 25, 2013  
Recommended Action: Adopt Resolution No. 13-013 accepting Accounts Payable for period ending January 25, 2013
8. Subject: Authorize the City Manager to negotiate and execute a long-term lease agreement with the Cupertino Rotary to use the Cupertino Room at the Quinlan Community Center for weekly meetings  
Recommended Action: 1.) Authorize to negotiate and execute the lease agreement; and 2.) Establish a 10-year minimum for any type of marker on buildings

Chang moved and Wong seconded to negotiate and execute a long-term lease agreement but not to establish a 10-year minimum for any type of marker on buildings. The motion carried with Mahoney voting no. Sinks moved and Mahoney

seconded to establish 10-year minimum for any type of marker on buildings. The motion failed with Mahoney and Sinks voting yes.

9. Subject: Budget Adjustment #4  
Recommended Action: Approve Budget Adjustment #4

Written communications for this item included a staff handout noting total costs.

Santoro moved and Wong seconded to approve the budget adjustment. The motion carried unanimously.

10. Subject: Appoint the Treasurer and Deputy Treasurer  
Recommended Action: Adopt Resolution No. 13-014 rescinding Resolution No. 12-020 and making the appointments

## **SECOND READING OF ORDINANCES**

11. Subject: 1) Conduct the second reading of Ordinance No. 13-2104 that rezones 0.83-acre from P(R1C) to PR to allow a dog park on a Mary Avenue parcel (file no. Z-2012-02); and 2) Authorize the City Manager to apply potential savings in the project budget towards enhancements to the project design for a sound wall or additional landscaping

Recommended Action: Conduct the second reading of Ordinance No. 13-2104: "An Ordinance of the City Council of the City of Cupertino rezoning a 0.51 acre vacant parcel and the 0.32 acre abutting half street from P(R1C) to PR for property located at the corner of Villa Real and Mary Avenue." Also authorize the City Manager to use any savings from the additional soil remediation budget towards project enhancements

Description: Application: Z-2012-02, EA-2012-07; Applicant: City of Cupertino; Location: City-owned lot on the corner of Villa Real and Mary Ave; APN# 326-27-030; Second reading and enactment of Ordinance No. 13-2104, rezoning a 0.83 gross acre vacant parcel from "P(R1C)- Planned Development, Single Family Residential Cluster Intent" to "PR -Park and Recreation Zone"

Thyagarajan Radkrishnen said he lives next to the park and wanted to make changes to the traffic such as adding a stop sign at Mary Ave and Lubeck. He also asked to have a traffic speed sign posted and to include a pedestrian crossing with flashing lights. He noted that the road has cracks in it causing noise when cars are

driving down the street. He also asked Council to make sure that the park is maintained.

City Clerk Grace Schmidt read the title of Ordinance No. 13-2104.

Wong moved and Chang seconded to read the ordinance by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Chang, Mahoney, Santoro, and Wong. Noes: Sinks.

Wong moved and Chang seconded to enact Ordinance No. 13-2104. Ayes: Chang, Mahoney, Santoro, and Wong. Noes: Sinks.

Wong moved and Chang seconded to authorize the City Manager to use any savings from the additional soil remediation budget towards project enhancements. The motion carried unanimously.

## **PUBLIC HEARINGS**

12. Subject: Consider an appeal of a Planning Commission approval of a proposed development at Saich Way Station

Recommended Action: Deny the appeal and uphold the Planning Commission's approval of the Development applications and Mitigated Negative Declaration

Description: Application No(s): DP-2012-05, ASA-2012-13, TR-2012-41 (EA-2012-09); Appellant(s): Darrel Lum, Dennis Whittaker; Applicant(s): Borelli Investments (Saich Way Station); Address: 20803 Stevens Creek Blvd and 10033-10095 Saich Way APN# 326-32-041, 042; Appeal of an approval of a Development Permit to allow the demolition of 11,610 square feet of existing commercial space and the construction of 15,377 square feet of new commercial space consisting of two new commercial building pads, 7,000 square feet and 8,377 square feet respectively; Architectural and Site Approval Permit to allow the demolition of 11,610 square feet of existing commercial space and the construction of 15,377 square feet of new commercial space consisting of two new commercial building pads and associated site improvements; Tree Removal Permit to allow the removal and replacement of 13 trees in conjunction with a proposed development project; adoption of a Mitigated Negative Declaration; On January 8, 2013, the Planning Commission approved applications DP-2012-05, ASA-2012-13 and TR-2012-41 per Resolution numbers 6714, 6715 and 6716; and the Mitigated Negative Declaration, EA-2012-09



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Written communication for this item included a staff PowerPoint presentation, letter from Stevens Creek Cupertino LLC, and a handout on the Architectural Site Plan for parallel parking option from Darrel Lum.

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

Director of Community Development Aarti Shrivastava distributed copies of the Heart of the City ordinance and confirmed the setback requirement of nine feet. She also said that shop one of the proposed project is about 1,700 square feet with 33 seats and shop two is about 2,800 square feet with 56 seats. She said that the proposed project is about 4,500 square feet and Panera Bread and Peet's Coffee is about 7,000. She said she did not have numbers for Panera and Peet's because they were supposed to share parking with the office buildings.

Appellant Darrel Lum, spokesperson for Concerned Citizens of Cupertino, said they had some concerns regarding the exception to the Heart of the City Specific Plan and parking for the proposed project. He said that the exception to the Heart of the City Specific Plan was included at the January 8, 2013 Planning Commission meeting but was pulled prior to the meeting because of staff interpretation that the exception isn't required. He said that the Heart of the City Specific Plan states that the minimum setback for new development is 35 feet from the edge of the curb and nine feet from the required boulevard landscape easement. He also cited the North and South DeAnza Boulevard Conceptual Plans and the South Saratoga Sunnyvale Road Planning Area and Monta Vista Design Guidelines. He said that these guidelines have specific setbacks approved by Council, not by staff interpretation. He said that according to the January 18 minutes, the applicant did not request an exception to the Heart of the City, but in the Heart of the City it says they did. He recommended that City Council give instructions to remove the requirement that the setback only requires nine feet.

Dr. Lum also addressed concerns related to parking. He showed original plans noting that the parking consultant showed problems between the Stevens Creek driveway and the Panera Bread parking lot and in the center of the site where the one way parking lot aisle begins. He said that the traffic and parking study is very brief and deals with problems that should be addressed including parking space added on the last revised plan. Shop number one has 44 seats and number five has 52 seats. The Planning Commission reduced the stalls to 80 by dropping the seating

in each restaurant and now the seating has changed again because outdoor seating was not removed from the original plans.

Dr. Lum recommended that the driveway should be one way for entering and exiting through the Panera driveway on Saich, make the two lots more level for safety, reduce the square footage to increase parking, and move the trash bin to increase parking. He also said he prefers 13.5 feet for a project size which is half the height of the building.

Applicant Galen Grant, FCGA Architecture, said this has been a unique project and it's time to develop the property. He said that the developer has thought carefully about the issue of whether to have a 20 foot throat or more off of Stevens Creek Boulevard. Initially, the plan for a 20 foot throat was thought to be safe, but since the appeal, they have taken another look at the plan including the 35 foot throat and eliminating two more cars at the entrance with parallel parking on Saich Way. He said they would like the project to be as safe as it can be and wanted to address all the issues. He proposed a 50 foot throat with no parking, having a two-way drive way off of Stevens Creek Boulevard, and to revisit the benefit of angled parking on Saich Way. He said that angled parking won't put traffic on the Target site and would work for the center in a safe way that adds needed parking. He said that angled parking with landscaping around the 16 spaces also creates a feeling of a larger project of 35 feet.

Mike Krons, representing the owner, said that they tried a more straight shot to line up parking and bring it back onto Saich, but ran into problems with the driveway being too close to the intersection. He said there would be problems marketing the location with a straighter design and that other options for parking and traffic issues were reviewed.

The Mayor opened the public hearing.

Stephen Carlson, also speaking for Barry Watkins, owner of the Target Center said he was at the Planning Commission hearing and spoke in favor of the general development of the property. He said that angled parking on Saich Way would eliminate parking on their side of the street. He also said that they already have problems with the YMCA using their spaces and angled parking could impact the movements of trucks making deliveries to their store. He said the property has an average daily traffic count of 20,000 cars with 60,000 parking movements per day. He suggested that the parallel parking be left in place, proposed relocating the bus

stop on Saich Way, and expanding the Alves driveway west of Bandlely which would add six more spaces on Saich. He said that angled parking directly opposite of the driveway would create conflicts with traffic movements.

Bob McKibbin urged Council not to add angled parking. He said it disturbs him when a developer comes to staff with a plan and they get shot down because staff wants to move the buildings as close to the street as possible. He recommended moving the buildings to the back and have parking in the front. He said that moving a horrendous parking problem with Panera onto the new development is not a good idea. He also said that the nine feet requirement is not justified here and that other sections of the code should be used to come up with the numbers and not how you interpret them.

Kevin McClelland on behalf of the Chamber of Commerce urged Council to deny the appeal. Mr. McClelland also shared his own personal perspective about parking and offered some suggestions. He said that a two-way driveway keeps people on the Panera site rather than going around it. He encouraged diagonal parking as a good addition and keeping the entry and exit from Stevens Creek Boulevard as two-way. He said that traffic has an easier time getting around angled parking because parallel parking blocks the street while people are making several attempts to get into the space. He said that he has not experienced any problem getting a parking space at Panera.

Ty Bash, owner of Happy Days Child Development Center, said that angled parking was not a good idea because it would reduce the entry to 24 feet in width and would bottleneck traffic coming into the Target parking lot. He said that if the bus stop were relocated farther north it would be directly across from the playground and would have an impact on the children who would be breathing the fumes from the buses.

Dennis Whittaker said that there are glaring examples of what works and doesn't work and cited Islands and Staples as examples of what works. He said that the angled parking on the street won't work because it would block traffic and Stevens Creek Boulevard is a very busy road. He said that BJ's parking is totally inadequate and is an example of what would happen with this project. He urged Council to keep the failed examples in mind when approving projects. He said he prefers keeping parallel parking, does not prefer having buildings up against the street, and would like to have a one-way driveway coming onto Stevens Creek Boulevard.

The Mayor closed the public hearing.

Wong moved and Santoro seconded to adopt the resolutions denying the appeal and upholding the Planning Commission's approval of the development applications (DP-2012-05, ASA-2012-13, TR-2012-41) and mitigated negative declaration (EA-2012-09) with the following modifications:

- The row of parking stalls along the shared two-way driveway entry from Stevens Creek Blvd. shall be removed;
- The building pad for shop 7 may be reconfigured accordingly to encompass the area of the abovementioned removed stalls and new parking stalls may be provided on the north side of the building;
- The Stevens Creek Blvd. shared access driveway between the project site and the property to the west shall be a two-way driveway;
- The existing on-street parallel parking stalls along Saich Way shall be retained (does not include the relocation of the existing bus layover location);
- Shop 6 shall be moved to the north to be attached to the rear retail building (which includes shops/restaurants 1-5);
- A new two-way drive aisle shall be provided to the north of shop 7, connecting the drive aisle behind the Peet's/Panera building (to the west of the project site) to Saich Way to the east;
- The applicant shall consult with the property owner to the west to discuss the potential removal/relocation of the existing trash enclosure along the west property line of the project site in order to accommodate a new access connection to the project site; and
- The required parking for the project shall remain consistent with the City's parking ordinance

In the event that the applicant does not provide all of the required modifications noted above, the project shall be brought back to the City Council for review and approval prior to issuance of building and grading permits. The motion carried with Chang voting no.

Council recessed from 12:06 a.m. to 12:12 a.m.

Wong moved and Mahoney seconded to continue item number 14 to March 5 and to schedule the item as early as possible. The motion carried with Chang voting no.

## ORDINANCES AND ACTION ITEMS

13. Subject: Request to waive the timeline set forth in Cupertino Municipal Code (CMC) Chapter 14.04 for an appeal related to street improvement requirements at 10567 San Leandro Avenue

Recommended Action: Decide whether to grant a request to waive the appeal timeline for street improvements required as part of a development project at 10567 San Leandro Avenue and, if the waiver is granted, direct staff to set the appeal for hearing

Written communications for this item included an action letter from Community Development to GP Residential approving a two-story permit, Application R-2012-20 and a handout from Paul Kalra noting the timeline of events leading to the utility pole relocation appeal.

City Manager David Brandt reviewed the staff report.

Paul Kalra said that he is the owner of a residence on San Leandro Ave and was requesting consideration of an appeal that Mr. Borden removed from an earlier Council agenda. He distributed a handout with exhibits which explained the timeline of events leading to the utility pole relocation appeal. He reviewed those documents. He asked Council to waive the appeal deadline of Aug. 27 and to schedule the relocation of the utility pole appeal for the March 5 City Council meeting.

Santoro moved and Chang seconded to waive the appeal timeline for street improvements required as part of a development project at 10567 San Leandro Avenue. The motion carried with Mahoney voting no.

Staff explained to Mr. Kalra that he must file another appeal and that it would be heard on either March 5 or 19.

14. Subject: Update on the General Plan Amendment process, Council authorization for a budget amendment to add \$150,507 to the budget for the General Plan Amendment process, and approval of contracts with MIG as the planning consultant and The Planning Center/DC&E as the environmental consultant

Recommended Action: Staff recommends that the City Council approve the following: 1.) Scopes of work for the General Plan Amendment (GPA), Vallco

Shopping District Specific Plan and associated Environmental Impact Reports (EIR); and 2.) Budget amendment for an additional amount of \$150,507 to fund costs of the General Plan Amendment process not currently budgeted, for a total budget amount of \$1,036,545; and 3.) Authorize the City Manager to approve the attached contract with MIG as the planning consultant for the General Plan Amendment in the amount not to exceed \$476,096. The scope for this contract would be the GPA with an option for the City to authorize the Vallco Shopping District Specific Plan at a later date. If the City decides to proceed with the Vallco plan in the future, staff would return to Council with a contract amendment to add the necessary funds for the Vallco Plan; and 4.) Authorize the City Manager to approve the attached contract with The Planning Center/DC&E to prepare the Environmental Impact Report (EIR) for the General Plan Amendment in the amount not to exceed \$393,490. This contract would also include the option for the City to authorize an EIR for the Vallco Specific Plan at a later date; and 5.) Authorize the City Manager to approve Contract Change Orders (CCO) for contracts for Items 3 and 4 above to the extent that total expenditures do not exceed the total amount of the project budget

Written communications for this item included letters from Ivor Samson of SNR Denton US LLP, Stevens Creek Cupertino LLC, Stevens Creek Cupertino Associates, an email from D. Barrett Watkins, and a staff PowerPoint presentation.

Earlier in the meeting, this item was continued to March 5.

15. Subject: Consider adopting an ordinance moving the date of the City's general municipal election to consolidate it with the statewide general election commencing in November 2014

Recommended Action: Decide whether to move the date of the City's general municipal election to even-numbered years and conduct the first reading of the draft ordinance if the Council desires the change. If the Council decides not to change the general municipal election date, no action is required. Ordinance No. 13-2106: "An Ordinance of the City Council of the City of Cupertino moving the date of its general municipal election to the first Tuesday after the first Monday in November of even numbered years beginning in November 2014"

Written communications for this item included emails from Patrick Kwok and Mark Matsumoto of the Cupertino Chamber of Commerce.

City Clerk Grace Schmidt reviewed the staff report.

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Mayor Mahoney noted from the speaker cards that Dennis Whittaker, Patrick Kwok, and Lyn Faust were no longer present but all were opposed to an election change.

Kevin McClelland from the Chamber of Commerce read a letter expressing support for changing the general municipal election to even-numbered years.

Jennifer Griffin said that this request came in 2010 and it was discussed then to align the City election with the School Board election. She said she was concerned with the extension of terms for elected officials.

City Clerk Grace Schmidt read the title of Ordinance No. 13-2106.

Wong moved and Santoro seconded to read the ordinance by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Mahoney, Santoro, Sinks, and Wong. Noes: Chang.

## **REPORTS BY COUNCIL AND STAFF**

Wong and Chang asked that staff add changing the code to have all development applications within the Heart of the City referred to Council for approval. Sinks requested, with a general consensus, that various zoning code provisions be brought to a Council workshop including density calculations, parking requirements and setbacks.

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

## **ADJOURNMENT**

At 1:38 a.m. on Wednesday, February 20, the meeting was adjourned.

/s/Grace Schmidt

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Grace Schmidt, City Clerk

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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