



CUPERTINO

**APPROVED MINUTES
CUPERTINO CITY COUNCIL
CUPERTINO PLANNING COMMISSION
Special Meeting
Tuesday, April 1, 2014**

**JOINT MEETING OF CUPERTINO CITY COUNCIL AND
CUPERTINO PLANNING COMMISSION**

PLEDGE OF ALLEGIANCE

At 3:05 p.m., Mayor Gilbert Wong called the special Joint City Council and Planning Commission 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 (3:10 p.m.), Orrin Mahoney, and Mark Santoro. Absent: None.

Present: Chair Paul Brophy, Vice Chair Winnie Lee, and Commissioners Margaret Gong, Don Sun, and Alan Takahashi. Absent: None.

STUDY SESSION

1. Subject: Joint City Council and Planning Commission study session to review the Goals, Policies and Programs for the 2014 - 2022 Housing Element
Recommended Action: Accept the reports on Accomplishments on 2007 – 2014 Housing Element and provide comments on the draft Goals and Policies for the 2014 – 2022 Housing Element.
Description: Study session to review the Housing Plan section of the 2014-2022 Housing Element

Written communications for this item included a staff PowerPoint presentation, document from resident title, "2014 General Plan Amendment," comment card, and Alternative A map.

Senior Planner Piu Ghosh and Consultant Veronica Tam reviewed the item via a PowerPoint presentation.

Staff noted they would update Policy 13 to include three school districts adding Santa Clara Unified School District, and update Policy 2 to read, "Provide a full range of ownership and rental housing unit densities."

Phyllis Dickstein asked that the Shan Restaurant site on Blaney Ave. and Stevens Creek Blvd. be removed as a Housing Element site and to develop more to the west.

Catherine Alexander said that she is also concerned about potential Blaney Ave. development and that residents need to be put first in this decision-making process. She also asked that Homestead not be overdeveloped because residents would be blocked by school traffic.

Cathy Thaler said she was concerned that the Housing Element policies deal with the schools and other organizations but not the residents. She noted that corridors are already impacted and there would be no room for mitigation if housing is continued to be built in certain residential areas.

Jennifer Griffin said that she agrees with the previous speakers and that there needs to be more value placed on the residents and more communication. She said that Cupertino needs to keep amenities like churches and grocery stores. She also noted that she doesn't want any height or density bonuses.

Robert McKibbin said that when he participated in the 2007 Housing Element process, it was more citizen-centric and now, the process has been hijacked by developers and property owners. He urged Council to stay with the 1000+ units needed for 2014 and not go out into the future. He also asked Council to make sure mixed-use developments are what Cupertino needs and wants, not what the developer wants. He also noted to look again at SB50 regarding not being able to use school impact when discussing developments to get a more definitive answer.

Council and Planning Commission comments included:

- Use social media to better communicate with residents
- Also look at water conservation for Goal D

- Regarding level of service, look at public/private partnerships like Zip Car to help mitigate traffic flow
- Consider reducing sites on Stevens Creek Blvd.
- Regarding Policy 13 and coordination with the local school districts, be sure to try and address school impact in some way with the schools
- Put citizens first and hold public hearings throughout the year
- Citizens can use the Comcate system to have more two-way communication with the City
- Keep Glenbrook Apts. as a Housing Element site and add Hamptons and the Villages in order to keep Stevens Creek Blvd. commercial
- Have some meetings later in the day so more residents can come
- Residents can receive information from the City website at www.cupertino.org

Council and Planning Commission recessed from 5:00 p.m. to 5:07 p.m.

2. Subject: Joint City Council and Planning Commission study session regarding Draft GPA concepts

Recommended Action: Review policy topics for the General Plan Amendment (GPA) and provide comments

Description: Study session on major policy topics to be considered in the focused General Plan Amendment (GPA-2013-01) process

Written communications for this item included a staff PowerPoint presentation, document from resident title, "2014 General Plan Amendment," comment card, and Alternative A map.

Associate Planner George Schroeder and Consultant Dan Amsden reviewed the staff report via a PowerPoint presentation.

Jennifer Griffin said she that she doesn't like the One Bay Area plan, BRT or light rail. She noted she wants to keep Vallco a shopping district.

Jeff Paulsen said to scrap Vallco and build something new. He noted he had submitted comments via the website.

Planning Commission comments included:

- Attachment C regarding vision is good
- Connect neighborhoods together and connect bicycle pedestrian access to these hubs

- Opportunity for long-term vision for Vallco to try and make viable
- Long-term vision for controlled growth; doing nothing would stagnate retail
- Hold stakeholder meeting with property owners, developers, Council and Planning Commission to keep communication open
- Create a comprehensive plan for bike safety around the City
- Put Wi-Fi not only City facilities, but also in retail, coffee shops, etc.
- Tier 2 allowing for more retail height is not a good idea
- Likes idea of creating a path between TGIF's and Alexander's Restaurants
- Need visible and accessible parking as noted in study
- Likes idea of west of Wolfe Rd. for special commodity retail and east of Wolfe Rd. for office and hotel
- Make use of parking east and west of Vallco Mall
- Likes idea of relocating JC Penny to the west side of the mall
- Possibly rezone some of the Vallco parcels just for retail
- Don't put retail under multi-story offices or apartments
- Don't like bus rapid transit (BRT) and light rail
- High density doesn't create an urban environment and residents don't want it
- Building housing for young adult professionals helps to meet housing goals without affecting schools
- Keep Healthy Communities Strategy (item D in PowerPoint) at a minimum

At 6:52 p.m., the Planning Commission adjourned and the Council recessed from the study session portion of the agenda.

ROLL CALL

At 6:53 p.m. Mayor Wong called the regular business items portion of the City Council meeting to order in the Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA.

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

CEREMONIAL MATTERS AND PRESENTATION

Mayor Wong reordered the agenda to take up item number 4 next.

4. Subject: 2014 Arbor Day Proclamation
Recommended Action: Present proclamation

Mayor Wong presented the proclamation to Public Works Supervisor and City Arborist Jonathan Ferrante.

3. Subject: Proclamation for National Volunteer week
Recommended Action: Present the proclamation

Mayor Wong presented the proclamation to Mary Lou Robson and Joyce Paul.

5. Subject: Teen Commission annual update
Recommended Action: Receive the presentation

Written communications for this item included a PowerPoint presentation.

Chair Celine Mol and Vice Chair Meyhaa Buvanesh gave an annual update on the Teen Commission via a PowerPoint presentation. Urshi Shrirama modeled the new Teen Commission t-shirt which shows the values of the teens of Cupertino.

Council received the presentation.

POSTPONEMENTS - None

ORAL COMMUNICATIONS - None

CONSENT CALENDAR

Mahoney moved and Sinks seconded to approve the items on the Consent Calendar with the exception of item number 13 which was pulled for discussion. Council member Sinks noted that he would recuse himself from voting on item number 14. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None. Recuse: Sinks recused from item number 14.

6. Subject: Approve the March 17 City Council minutes
Recommended Action: Approve the minutes
7. Subject: Approve the March 18 City Council minutes
Recommended Action: Approve the minutes
8. Subject: Accept Accounts Payable for period ending February 7, 2014
Recommended Action: Adopt Resolution No. 14-132 accepting Accounts Payable for period ending February 7, 2014

9. Subject: Accept Accounts payable for period ending February 21, 2014
Recommended Action: Adopt Resolution No. 14-133 accepting Accounts payable for period ending February 21, 2014

10. Subject: Accept Accounts Payable for period ending February 28, 2014
Recommended Action: Adopt Resolution No. 14-134 accepting Accounts Payable for period ending February 28, 2014

11. Subject: Accept Accounts Payable for period ending March 7, 2014
Recommended Action: Adopt Resolution No. 14-135 accepting Accounts Payable for period ending March 7, 2014

12. Subject: Accept Accounts Payable for period ending March 21, 2014
Recommended Action: Adopt Resolution No. 14-136 accepting Accounts Payable for period ending March 21, 2014

13. Subject: Renew the voluntary cap of \$28,000 for campaign expenditures for the 2014 City Council election
Recommended Action: Adopt Resolution No. 14-137 setting a voluntary expenditure cap of \$28,000 for the election of 2014

Santoro moved and Mahoney seconded to Adopt Resolution No. 14-137 setting a voluntary expenditure cap of \$28,000 for the election of 2014. The motion carried unanimously.

14. Subject: Parcel Map and Subdivision Improvement Agreement for Apple Campus 2
Recommended Action: Adopt Resolution No. 14-138 approving the Parcel Map and Subdivision Improvement Agreement for Apple Campus 2

Council recessed from 7:27 p.m. to 7:50 p.m.

Mayor Wong reconvened the study session portion of the agenda and continued with item number 2.

STUDY SESSION – Continued

2. Subject: Joint City Council and Planning Commission study session regarding Draft GPA concepts
Recommended Action: Review policy topics for the General Plan Amendment (GPA) and provide comments

Description: Study session on major policy topics to be considered in the focused General Plan Amendment (GPA-2013-01) process

Council comments included:

- What things in the Heart of the City might need to also be looked at in the General Plan such as street trees, double-tier system for retail, and retail under housing
- Want to better understand the Healthy Communities Strategy
- Would have liked to hear more from the Planning Commissioners
- Include developers and residents in community forums especially regarding exceptions to general guidelines that would yield significant community benefits
- Property values reflect good schools so come up with clear link to allow negotiations for school benefits beyond SB50
- Encourage competition for Wi-Fi and fiber services
- Research mass transit and other alternatives
- Community benefits should be fair to developers and residents through a transparent public process
- Have some areas be all retail and no housing
- Some liked 2-tier system and some did not
- Look into how to benefit youth without affecting schools such as libraries, teen centers, after school programs, parks, fields, etc.
- No retail in front with housing in back; put the housing on top of retail
- Mixed-use doesn't work on Blaney Ave. and Stevens Creek Blvd.; either do housing or retail with proper zoning
- Not opposed to mixed-use but educate the public
- Add senior housing and youth to the Community Benefits Program (item C in the PowerPoint)

At 8:57 p.m., Mayor Wong adjourned the study session portion of the meeting and reconvened the regular business items portion of the meeting to hear public hearings next.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

15. Subject: Community Development Block Grant (CDBG) and General Fund Human Service Grant (HSG) Allocations for FY 14-15 (1st hearing)

Recommended Action: Adopt Resolution No. 14-139 approving Community Development Block Grant (CDBG) and General Fund Human Service Grant (HSG) Allocations for FY 14-15

Written communications for this item included a staff PowerPoint presentation, income and expense sheet for Senior Housing Solutions/Charities Housing, map noting the location of Le Beaulieu, brochure from Live Oak Senior Day Care, and brochure from Project Sentinel.

Senior Housing Planner CJ Valenzuela reviewed the staff report. He also noted that this was the first of two public hearings and that staff would bring the item back on April 15 for a second public hearing and adoption of the resolution.

Mayor Wong opened the public hearing.

The following individuals spoke urging support for their particular group:

Matt Lewis – Le Beaulieu

Cathey Edwards – Faith in Action Silicon Valley Rotating Shelter

Marjorie Rocha – Echo Housing

Ann Marquart – Project Sentinel

Georgia Bacil – Senior Adults Legal Assistance

Wanda Hale – Catholic Charities and Long-Term Ombudsmen program

Colleen Hudgen - Live Oak Senior Day Care

Bev Jackson – Rebuilding Together Silicon Valley

Naomi Nakano-Matsumoto - West Valley Community Services

Jaya Suresh - Maitri Housing

Maya Esparza - 211 director for Santa Clara of United Way Silicon Valley

Kathy Robinson – Charities Housing on behalf of Senior Housing Solutions

Mayor Wong closed the public hearing.

Council concurred to continue the final approval of fiscal year 2014-15 Community Development Block Grant (CDBG) Program, General Fund Human Service Grants (HSG) Program, Below Market-Rate (BMR) Affordable Housing Fund (AHF) funding allocations and CDBG Program Annual Action Plan to April 15, 2014 to complete the 30-day public review period as required by the United States Department of Housing and Urban Development (HUD).

ORDINANCES AND ACTION ITEMS

16. Subject: Accept resignation of Bicycle Pedestrian Commissioner Ashish Kolli and Public Safety Commissioner Lily Lim, and direct staff to fill the unscheduled vacancies

Recommended Action: a) Accept resignation of Bicycle Pedestrian Commissioner Ashish Kolli, set application deadline date of Friday, May 30 at 4:30 p.m. and schedule interview date for Tuesday, June 10 beginning at 5:00 pm to fill the unscheduled vacancy; and b) Accept resignation of Public Safety Commissioner Lily Lim and set application deadline date of Friday, May 30 at 4:30 p.m. and schedule interview date for Tuesday, June 10 beginning at 4:00 pm; or c) Accept resignation of Public Safety Commissioner Lily Lim and fill the unscheduled vacancy from applicants interviewed in January

City Clerk Grace Schmidt reviewed the staff report.

Council concurred to accept the resignation of Bicycle Pedestrian Commissioner Ashish Kolli and Public Safety Commissioner Lily Lim, set the application deadline for Friday, May 30 at 4:30 p.m., and schedule interviews for Tuesday, June 10 beginning tentatively at 3:00 pm to fill the unscheduled vacancies.

Council recessed from 10:25 p.m. to 10:30 p.m.

17. Subject: McClellan Ranch Preserve Environmental Education Center and Blacksmith Shop Relocation Project – receive report on bids, award a construction contract to lowest responsive and responsible bidder, authorize contingency budget, authorize the first amendment of the agreement with Siegel & Strain Architects for construction support services, and approve a Deed Restriction on the property as required by the grant funding

Recommended Action: 1) Award a contract for the construction of the subject project to the lowest responsive and responsible bidder, Romkon, Inc., in the amount of \$1,798,000; and 2) Authorize a construction contingency budget of \$270,000, approximately fifteen (15%) of the construction contract value, to address unforeseen conditions during construction; and 3) Authorize the City Manager to negotiate and execute the first amendment to the current consultant services agreement with Siegel & Strain Architects for construction support services for an amount not to exceed \$80,000 for a total contract amount of \$280,000; and 4) Adopt Resolution No. 14-140 authorizing the City Manager to execute and record a Deed

Restriction granting a right of entry and a limitation of use for an environmental classroom facility in order to receive grant funds

Director of Public Works Timm Borden reviewed the staff report.

Sinks moved and Chang seconded to 1) Award a contract for the construction of the subject project to the lowest responsive and responsible bidder, Romkon, Inc., in the amount of \$1,798,000; and 2) Authorize a construction contingency budget of \$270,000, approximately fifteen (15%) of the construction contract value, to address unforeseen conditions during construction; and 3) Authorize the City Manager to negotiate and execute the first amendment to the current consultant services agreement with Siegel & Strain Architects for construction support services for an amount not to exceed \$80,000 for a total contract amount of \$280,000; and 4) Adopt Resolution No. 14-140 authorizing the City Manager to execute and record a Deed Restriction granting a right of entry and a limitation of use for an environmental classroom facility in order to receive grant funds. The motion carried unanimously.

18. Subject: Interim Parking Plan at the Civic Center

Recommended Action: Accept Staff Report on interim parking improvements at the Civic Center

Director of Public Works Timm Borden reviewed the staff report.

Cupertino Librarian Gayathri Kanth recommended that the City organize a survey for library patrons regarding parking.

Council accepted the staff report and concurred to have staff come back with some proposals for a first reading including ideas like 4-hour time limit unless have employee sticker for City Hall and Library, short-term parking (1 hour) for quick visits to City Hall, etc. Council accepted the staff report.

REPORTS BY COUNCIL AND STAFF

19. Subject: Public Works Construction Project Updates

Recommended Action: Present Construction Project Update Report

Written communications for this item included a staff PowerPoint presentation.

Director of Public Works Timm Borden updated Council on the construction projects via a PowerPoint presentation. Council received the update report.

City Manager David Brandt noted the following: the Dog Park opening will be held this coming Thursday at 5:00 p.m.; also this coming Thursday, the Sheriff's Dept. will be launching a Distracted Driving Awareness campaign at City Hall at 9:00 a.m.; Earth Day will be held this coming Saturday and a booth will be manned by Parks and Recreation Director Carol Atwood and the consultant regarding the McClellan Ranch/Blackberry Farm Master Plan project.

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

ADJOURNMENT

At 11:50 p.m., Mayor Wong adjourned the meeting to Tuesday, April 15 beginning at 4:00 p.m. for a study session on Municipal Code Chapter 14.18 regarding Protected Trees followed by regular business, Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA.

/s/ Grace Schmidt

Grace Schmidt, City Clerk

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