



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, October 7, 2014**

**SPECIAL CITY COUNCIL MEETING**

**ROLL CALL**

At 3:01 p.m. Mayor Gilbert Wong called the Special City Council meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue.

Present: Mayor Gilbert Wong, Vice Mayor Rod Sinks, and Council members Barry Chang (3:04 p.m.), Orrin Mahoney (3:04 p.m.), and Mark Santoro. Absent: None.

**STUDY SESSION**

1. Subject: Study Session on the Final Environmental Impact Report (EIR) for the proposed General Plan Amendment, Housing Element Update, and associated Rezoning

Recommended Action: Staff recommends that the City Council receive this report and comments on the Final EIR. This is a study session and no action is required at this time.

Description: Application No(s): GPA-2013-01, Z-2013-01, GPA-2013-02, SPA-2014-01, MCA-2014-01 (EA-2013-03); Applicant(s): City of Cupertino; Location: Citywide; Discussion of Environmental Impact Report for a General Plan Amendment, Housing Element update and associated rezoning; General Plan Amendment to establish Citywide development allocations for commercial, office, hotel and residential uses and development parameters for key study areas (including the Vallco Shopping District); General Plan Amendment for the 2014-2022 Housing Element as required by State Law; Rezoning of certain parcels in conjunction with the Citywide General Plan Amendment; Specific Plan Amendment to the Heart of the City Specific Plan related to maximum residential yield calculations and an updated map to conform to the General Plan; Municipal Code Amendment to comply with State Housing Law and the Housing Element of the General Plan and other zoning code amendments for clean-up and consistency

Written communications for this item included an email from Phyllis Dickstein from Travigne Villas and a staff PowerPoint presentation.

Senior Planner Piu Ghosh reviewed the staff report via a PowerPoint Presentation.

Consultant Steve Noack from PlaceWorks furthered reviewed the PowerPoint presentation.

Jennifer Griffin said that the One Bay Area plan is not a good plan for Cupertino. She also noted that she isn't a fan of rapid transit and urged Council to protect the roads for future generations, respect the Heart of the City, and protect existing neighborhoods.

Jason Lungaard with Apple noted that Irvine Security and Apple have agreed on joint language that has been submitted to the city addressing privacy and security at Apple Campus 2.

Albert Wang representing Marina Food and Marina Plaza said that they are planning to renovate their site and anticipates bringing the store back as a retail anchor and support for the community. He noted that the location along Stevens Creek Corridor is perfect for residential and retail activities and he hopes to be able to increase the height and density enough in the renovation project to make their site economically viable.

Glen Simons representing the architects working with Mr. Wang on the Marina Plaza site said this is an ideal location to add housing to the already existing office and retail. He explained that the group is experienced in dealing with mitigation issues such as sound without having to build sound walls and bringing in fresh air to the buildings that is free from pollutants.

Sarah McDermott spoke on behalf of Unite Here Local 19 representing hospitality workers in the south bay. She noted that the group is excited that Cupertino is expanding its hotel offerings and urged Council to be proactive in selecting hotel projects that work both for the City and the hotel employees.

Council recessed from 3:46 p.m. to 5:00 p.m.

## **CLOSED SESSION**

At 5:00 p.m. Council went into closed session in City Hall Conference Room A and reconvened in open session at 6:48 p.m. in the Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA.

2. Subject: Conference with Legal Counsel - Initiation of Litigation pursuant to subdivision (c) of Section 54956.9: One Case
3. Subject: Public Employee Performance Evaluation (Government Code Section 54957): City Manager

Mayor Wong announced that for items one and two, City Council gave direction to staff.

### **REGULAR CITY COUNCIL MEETING**

#### **PLEDGE OF ALLEGIANCE**

At 6:48 p.m. Mayor Gilbert Wong called the Regular City Council meeting to order 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.

#### **CEREMONIAL MATTERS AND PRESENTATIONS**

4. Subject: Present Proclamation to Diana Khoury, owner of The Original Pancake House  
Recommended Action: Present Proclamation

This item was postponed to a future meeting when Ms. Khoury was available.

5. Subject: Present Proclamation to the Cupertino Library Foundation for #LoveYourLibrary Month and #GivingTuesday  
Recommended Action: Present Proclamation

Mayor Wong presented the proclamation to Bob Adams and Annie Ho.

#### **POSTPONEMENTS**

Wong moved and Mahoney seconded to postpone item number 22 to a future City Council meeting when further information was available. The motion carried unanimously.

**ORAL COMMUNICATIONS** - None

**CONSENT CALENDAR**

Mahoney moved and Sinks seconded to approve the items on the Consent Calendar as presented with the exception of item numbers 11 and 18 which were pulled for discussion. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the September 2 City Council minutes  
Recommended Action: Approve the minutes
7. Subject: Accept Accounts Payable for period ending August 29, 2014  
Recommended Action: Adopt Resolution No. 14-195 accepting Accounts Payable for the period ending August 29, 2014.
8. Subject: Accept Accounts Payable for period ending September 5, 2014  
Recommended Action: Adopt Resolution No. 14-196 accepting Accounts Payable for the period ending September 5, 2014
9. Subject: Accept Accounts Payable for period ending September 12, 2014  
Recommended Action: Adopt Resolution No. 14-197 accepting Accounts Payable for the period ending September 12, 2014
10. Subject: Accept Accounts Payable for period ending September 19, 2014  
Recommended Action: Adopt Resolution No. 14-198 accepting Accounts Payable for the period ending September 19, 2014
11. Subject: Fremont Union High School District (FUHSD) Parcel Tax Renewal, Measure J and K (November 4, 2014)  
Recommended Action: Accept Legislative Committee recommendation to support the FUHSD Parcel Tax Renewal, Measure J, and New Bond, Measure K for the November 4, 2014 General Election

Written communications for this item included a PowerPoint presentation.

Superintendent Polly Bove gave information on Measures J and K via a PowerPoint presentation.

Sinks moved and Chang seconded to accept the Legislative Committee recommendation to support the FUHSD Parcel Tax Renewal, Measure J, and New Bond, Measure K for the November 4, 2014 General Election. The motion carried with Santoro abstaining.

12. Subject: Second Amendment to the Employment Contract for the City Attorney  
Recommended Action: Approve the Second Amendment to the Employment Contract for the City Attorney
13. Subject: Cancel the first meeting in January of 2015  
Recommended Action: Cancel the first meeting in January of 2015
14. Subject: Fee waiver request from the League of Women Voters of Cupertino - Sunnyvale for \$180 facility use fee for the Community Hall on October 13, 2014 from 6:30 - 9:30 p.m. for a candidate forum for the Cupertino Union School District Board of Trustees and on October 16, 2014 from 6:30 - 9:30 p.m. for a candidate forum for the City of Cupertino City Council.  
Recommended Action: Approve the fee waiver request for both events in Community Hall.
15. Subject: Application for Alcoholic Beverage License for Viva Thai Bistro, 19058 Stevens Creek Boulevard  
Recommended Action: Recommend approval of application for Alcoholic Beverage License for Viva Thai Bistro, 19058 Stevens Creek Boulevard
16. Subject: Application for Alcoholic Beverage License for Bob's Discount Liquor Store, 7335 Bollinger Road, Suite F  
Recommended Action: Recommend approval for Alcoholic Beverage License for Bob's Discount Liquor Store, 7335 Bollinger Road, Suite F
17. Subject: Application for Alcoholic Beverage License for Elephant Bar Restaurant, 19780 Stevens Creek Boulevard  
Recommended Action: Recommend approval of Alcoholic Beverage License for Elephant Bar Restaurant, 19780 Stevens Creek Boulevard
18. Subject: Sports Center Tennis Court Retaining Wall Repair Project, No. 2014-06  
Recommended Action: Authorize the City Manager to award a contract to Valentine Corporation in the amount of \$188,369; and approve a construction contingency of \$20,000 for a total of \$208,369.

Chang moved and Mahoney seconded to authorize the City Manager to award a contract to Valentine Corporation in the amount of \$188,369; and approve a construction contingency of \$20,000 for a total of \$208,369. The motion carried unanimously.

**SECOND READING OF ORDINANCES**

19. Subject: Approval of an Ordinance Amending Chapter 9.17.130 of Chapter 9.17 of Title 9 of the Cupertino Municipal Code, Regulation of Single-Use Carryout Bags.  
Recommended Action: Conduct the second reading and enact Ordinance No. 14-2122: "An Ordinance of the City Council of the City of Cupertino amending Section 9.17.130 of Chapter 9.17 of Title 9 of the Cupertino Municipal Code relating to the regulation of single-use carryout bags," to cap the required minimum charge for recycled paper bags at ten cents and eliminate a future increase to twenty-five cents per bag.

Jennifer Griffin said that she would like to see the paper bag fee kept at 0.10. She also noted that she had heard there was a thought to develop a type of plastic bag that was recyclable and wanted to hear more about this.

Mayor Wong noted that the State recently passed legislation regarding a plastic bag ban. Director of Public Works Timm Borden noted that the State legislation doesn't preempt any legislation in our Municipal Code and that they are very similar.

Chang moved and Sinks seconded to read Ordinance No. 14-2122 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

Chang moved and Sinks seconded to enact Ordinance No. 14-2122. Ayes: Chang, Mahoney, Santoro, Sinks, and Wong. Noes: None. Abstain: None. Absent: None.

**PUBLIC HEARINGS** - None

**ORDINANCES AND ACTION ITEMS**

20. Subject: Conversion of interim Associate Civil Engineer position to a permanent position and a three-and-a-half-year extension to interim Associate Planner position.  
Recommended Action: Authorize 1) the conversion of the two-year limited-term Associate Civil Engineer in the Public Works Development Services Division to a permanent position, and 2) the extension of the current interim planner position to an additional three-and-a-half-year term.

Written communications for this item included a comparison chart of planners by city.

Director of Public Works Timm Borden reviewed the staff report.

Assistant Director of Community Development Gary Chao reviewed the handout regarding a comparison chart of planners by city.

Mahoney moved and Chang seconded to authorize 1) the conversion of the two-year limited-term Associate Civil Engineer in the Public Works Development Services Division to a permanent position, and 2) the extension of the current interim planner position to an additional three-and-a-half-year term. The motion carried with Santoro voting no. Santoro explained that he believes the two positions are justified but said he voted no because he was concerned about the permanent head count growth.

21. Subject: Set application deadline and interview dates for commissions with terms expiring January 30, 2015.

Recommended Action: Approve an application deadline of Friday, January 16 and interview dates of Monday, January 26 and Tuesday, January 27 beginning at 5:00 p.m. on both days.

City Clerk Grace Schmidt reviewed the staff report.

Sinks moved and Mahoney seconded to approve an application deadline of Friday, January 16 and interview dates of Monday, January 26 and Tuesday, January 27 beginning at 5:00 p.m. on both days. The motion carried unanimously.

22. Subject: Approval 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

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 review"

Under postponements, this item was continued to a future Council meeting.

## REPORTS BY COUNCIL AND STAFF

23. Subject: Present Construction Project Update Report  
Recommended Action: Receive Project Update Report

Written communications for this item included a staff PowerPoint presentation for the Construction Project Update and information regarding the Stevens Creek Corridor Master Plan project.

Director of Public Works Timm Borden presented the Construction Project Update Report via a PowerPoint presentation. Council received the Project Update Report.

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

City Manager David Brandt presented a brief update on the status of the Stevens Creek Corridor Master Plan project.

## ADJOURNMENT

At 8:01 p.m., Mayor Wong adjourned the meeting to October 21.

/s/ Grace Schmidt

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Grace Schmidt, City Clerk

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