



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Wednesday, April 3, 2024**

**SPECIAL MEETING**

At 5:15 p.m., Mayor Sheila Mohan called the Special City Council Meeting to order to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

Present: Mayor Sheila Mohan, Vice Mayor J.R. Fruen, and Councilmembers Liang Chao, Kitty Moore, and Hung Wei. Absent: none.

**STUDY SESSION**

1. Subject: Two-year FY 2023-2025 City Work Program  
Recommended Action: Reaffirm and accept minor modifications to the two-year FY 2023-2025 City Work Program  
Presenters: Matt Morley, Assistant City Manager and Astrid Robles, Senior Management Analyst

Written communications for this item included a staff presentation, a supplemental report with Attachment A - Revised FY 2023-2025 CWP as Adopted April 2023 and Status Updates, Attachment B - Revised Commission Proposals, Attachment C - Revised Proposed FY 2024-2025 City Work Program, and emails to Council.

Assistant City Manager Matt Morley and Senior Management Analyst Astrid Robles gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public comment period and the following people spoke.

Planning Commissioner Seema Lindskog (representing self)

Parks and Recreation Commissioner Jennifer Shearin, on behalf of the Parks and Recreation Commission

Parks and Recreation Commissioner Carol Stanek (representing self)

Jennifer Griffin

Louise Saadati

San R.

Henry Widjaja

Mayor Mohan closed the public comment period.

Councilmembers requested information on topics discussed during this item:

- Informational Memo on Expiring Below Market Rate (BMR) units
- Answers to questions on privately-owned License Plate Readers
- Informational Memo on referenced Economic Development agreements
- Informational Memo on efforts to support businesses along Stevens Creek/De Anza Blvd in the Heart of the City Specific Plan geographic area
- Informational Memo on current deployment efforts of Community Development Department regarding Simplifying Permits
- Informational Memo on Green Business Certification Program
- Update on City's effort in engaging other organizations to promote the Homeless Jobs Program

SUBSTITUTE MOTION: Chao moved and Moore seconded a substitute motion:

In addition to continue the remaining 11 items from the FY 23-25 Work Program, as the staff recommended, consider the ones that can be done in house => add 8 items => result in  $11 + 8 = 19$  items for the next year.

- + #12 (Art)
- + #13 (AB 43, adopted in 2011) - 10 year study to set speed limit at 85% of current speed)
- + #14 (homestead bike path study)
- + #15 (poet handbook),
- + #18 (sign - reduce scope to do it in house),
- + #19 (rise).
- + Hybrid meeting support for ALL commission meetings in different formats (audio, video, hybrid to allow call-in, low-cost hosting option with proper security)
- + Implementation of HE
  - Put the ones that need external consultants for consideration next year during Council goal setting time.
  - #16 (electrification), #17 (recycled water), #20 (new bike/ped plan) - as these items

cannot be done in house and would likely need external consultants plus additional cost in implementing them.

The substitute motion failed with the following vote: Ayes: Chao and Moore. Noes: Mohan, Fruen, and Wei. Abstain: None. Absent: None.

MOTION: Fruen moved and Wei seconded a motion that Council approve the staff recommendation to reaffirm and accept minor modifications to the two-year FY 2023-2025 City Work Program (Revised Attachment C), with the following adjustments:

1. Incorporate Planning Commission-recommended Item 14 ("Complete Streets Ordinance") and Bicycle-Pedestrian Commission-recommended Item 3 ("Active Transportation Plan") into the New Bicycle Pedestrian Plan and/or the Vision Zero Plan as applicable (Revised Attachment B).

FRIENDLY AMENDMENT: Chao made a friendly amendment to add hybrid meeting support for commission meetings and implementation of the Housing Element. (Fruen declined the friendly amendment and it was not included in the motion).

Fruen's motion passed with the following vote: Ayes: Mohan, Fruen, Moore, and Wei. Noes: Chao. Abstain: None. Absent: None.

At 6:41 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 6:48 p.m. with all Councilmembers present.

#### **CLOSED SESSION REPORT - None**

#### **CEREMONIAL ITEMS**

2. Subject: Recognition of April as Fair Housing Month  
Recommended Action: Recognize April as Fair Housing Month

Mayor Mohan recognized April as Fair Housing Month.

Mahesh Pakala, Executive Board Member of the Cupertino-Bhubaneswar Sister City Initiative, made comments.

3. Subject: Recognition of April 1 as Odisha Day in the City of Cupertino  
Recommended Action: Recognize April 1 as Odisha Day in the City of Cupertino

Mayor Mohan recognized as Odisha Day in the City of Cupertino.

#### **POSTPONEMENTS AND ORDERS OF THE DAY - None**

#### **ORAL COMMUNICATIONS**

Written communications for this item included emails to Council.

The following people spoke:

Ricardo Acevedo discussed a City of Cupertino personnel matter. (Submitted written comments).

Jennifer Griffin discussed housing bills.

Rhoda Fry discussed City finances and the Cupertino Public Facilities Corporation and BMR (Below Market Rate) Housing Fund.

San R. discussed an unhoused individual and the Council meeting schedule.

Councilmembers made comments and requested updates from staff on the following:

- Below Market Rate (BMR) administrative fees compared to other cities
- An unhoused person near Homestead High School
- Cupertino Public Facilities Corporation annual meetings

#### **CONSENT CALENDAR (Items 4-6)**

Mayor Mohan opened the public comment period and the following people spoke.

Jennifer Griffin (Item 5)

Mayor Mohan closed the public comment period.

MOTION: Fruen moved and Wei seconded to approve the items on the Consent Calendar as presented. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

4. Subject: Approve the March 19 City Council minutes  
Recommended Action: Approve the March 19 City Council minutes

Written communications for this item included a supplemental report with Amended Attachment A - Draft Minutes (redline).

5. Subject: Approve a First Amendment to the contract with PlaceWorks for an increase of \$164,520 to prepare Residential and Mixed-Use Residential Objective Design Standards (FY 2020-21 WP Item) for a total not-to-exceed amount of \$1,261,277 and

associated budget modification

Recommended Action: That the City Council adopt Resolution No. 24-029 (Attachment A) to:

1. Authorize the City Manager to execute a first amendment to the existing consultant agreement with PlaceWorks to prepare the Residential and Mixed-Use Residential Objective Design Standards, increasing the contract amount by \$164,520 for a new total not-to-exceed contract amount of \$1,261,277;
2. Find that there are valid reasons to waive the competitive procurement procedures for selection of Placeworks;
3. Approve Budget Modification #2324-335 to:
  - a. Transfer existing appropriations in Special Projects CWP Residential/Mixed-Use Design GL 100-71-702 750-090 to Special Project CWP RHNA and GP update GL 100-71-702 750-101
  - b. Increase the appropriations in Special Projects CWP RHNA and GP update GL 100-71-702 750-101 by \$20,000 for the Residential and Mixed-Use Residential Design Standards, all necessary environmental review and incidentals for the fiscal year 2023-24

Written communications for this item included an email to Council.

6. Subject: Amendments to Municipal Code Chapter 5.50 (Regulating the Sale of Tobacco Products) and to the Memorandum of Understanding ("MOU") with the County of Santa Clara to enforce Chapter 5.50  
Recommended Action: 1. Conduct a first reading of and introduce Ordinance No. 24-2257, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CHAPTER 5.50 OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) TO REGULATE THE SALE OF TOBACCO PRODUCTS"  
2. Authorize the City Manager to amend the Memorandum of Understanding ("MOU") with the County of Santa Clara to administer, implement, and enforce Municipal Code Chapter 5.50 (Tobacco Retailer Permit Ordinance)

## PUBLIC HEARINGS

7. Subject: Amendment to a Development Agreement for the Cupertino Village Boutique Hotel Project from five to eight years and associated environmental review. (Application No(s): DA-2023-002; Applicant(s): KIMCO (Sunil Plaha); Location: 10801 and 10805 N. Wolfe Rd.; APN: 316 45 017, 316 05 056)  
Recommended Action: That the City Council conduct the public hearing and conduct the first reading of Ordinance No. 24-2258, entitled: "APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT FOR THE CUPERTINO VILLAGE BOUTIQUE HOTEL" (Attachment A):

1. Find the amendment to the existing development agreement consistent with the project's Mitigated Negative Declaration (State Clearinghouse No. 2018112025) and
  2. Adopt the ordinance to amend the existing Development Agreement (DA-2023-002).
- Presenter: Gian Martire, Senior Planner

Written communications for this item included staff and applicant presentations and an email to Council.

Councilmembers disclosed any ex parte communications prior to deliberation in this matter.

Senior Planner Gian Martire gave a presentation.

Michael Strauss, Vice President of Development at KIMCO Realty, gave a presentation and answered questions on behalf of the Applicant.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public hearing and the following people spoke.

Jennifer Griffin  
Lisa Warren  
Rhoda Fry  
Louise Saadati  
San R

Mayor Mohan closed the public hearing.

MOTION: Moore moved and Fruen seconded a motion that the City Council:

1. conduct the first reading of Ordinance No. 24-2258, entitled: "APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT FOR THE CUPERTINO VILLAGE BOUTIQUE HOTEL" inclusive of the requirement to comply with Municipal Code Chapter 19.102: Glass and Lighting Standards, as recommended by the Planning Commission; and
2. Find the amendment to the existing development agreement consistent with the project's Mitigated Negative Declaration (State Clearinghouse No. 2018112025) and adopt the ordinance to amend the existing Development Agreement (DA-2023-002).

The motion passed with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei.  
Noes: None. Abstain: None. Absent: None.

At 7:56 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 8:04 p.m. with all Councilmembers present.

8. Subject: Amendment to a Development Agreement (DA-2018-01) for the De Anza Hotel Project from five to eight years and associated environmental review. (Application No(s): DA-2023-003; Applicant(s): De Anza Properties (John Vidovich); Location: 10931 N De Anza Blvd.; APN: 326-10-061)

Recommended Action: That the City Council conduct the public hearing and conduct the first reading of Ordinance No. 24-2259, entitled: "APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT FOR THE DE ANZA HOTEL PROJECT" (Attachment A):

1. Find the amendment to the existing development agreement consistent with the project's Mitigated Negative Declaration (State Clearinghouse No. 2019079010) and
2. Adopt the ordinance to amend the existing Development Agreement (DA-2023-003).

Presenter: Gian Martire, Senior Planner

Written communications for this item included staff and applicant presentations and an email to Council.

Councilmembers disclosed any ex parte communications prior to deliberation in this matter.

Senior Planner Gian Martire gave a presentation.

Claudio Bono, General Manager of the Cupertino Hotel, gave a presentation on behalf of the Applicant and answered questions.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public hearing and the following people spoke.

Jennifer Griffin

Rhoda Fry

Mayor Mohan closed the public hearing.

MOTION: Chao moved and Moore seconded that the City Council:

1. Conduct the first reading of Ordinance No. 24-2259, entitled: "APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT FOR THE DE ANZA HOTEL PROJECT";
2. Find the amendment to the existing development agreement consistent with the project's Mitigated Negative Declaration (State Clearinghouse No. 2019079010); and
3. Adopt the ordinance to amend the existing Development Agreement (DA-2023-003).

FRIENDLY AMENDMENT: Moore made a friendly amendment to add the Bird Safe Dark Skies Ordinance, Cupertino Municipal Code Chapter 19.102: Glass and Lighting Standards, as recommended by the Planning Commission and proposed by staff. (Chao accepted the friendly amendment).

The amended motion passed with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

## ACTION CALENDAR

9. Subject: Memorial Park Specific Plan Design and the Parks and Recreation System Master Plan Initial Study/Mitigated Negative Declaration Addendum.

Recommended Action: 1. Adopt Resolution No. 24-030, Addendum to the Parks and Recreation System Master Plan Initial Study/Mitigated Negative Declaration; and 2. Approve the Memorial Park Specific Plan Design.

Presenter: Susan Michael, Capital Improvement Programs Manager

Written communications for this item included a staff presentation, a supplemental report with staff responses to councilmember questions, and emails to Council.

Councilmembers asked questions and made comments.

Capital Improvement Programs Manager Susan Michael gave a presentation.

Mayor Mohan opened the public comment period and the following people spoke.

Parks and Recreation Commissioner Jennifer Shearin, on behalf of the Parks and Recreation Commission

Bianca G.

Doug Gor

Ruyu, Shelly M, Chika, and Jaa ceded time to Doug Gor.

Xiao Mei Li

Charlin Yamamoto

Phil Tomac, Hailey Mock, Jo Gee, and Mary ceded time to Charlin Yamamoto.

Victor Chang

Suri Maddhula

Connie Chin, Doug Thompson, Curtis Lee, Alice, and attendee ceded time to Suri.

Maddhula

Diana Yen

Rajiv Pathik

Cathy Chiu

Manish, Susan B, Fred, and Vijay ceded time to Cathy Chiu.



Jennifer Griffin  
Ed P.  
Lisa Warren  
Christian Bundang  
Tomasz  
Jean Bedord  
Alisa Rauch  
Nancy Hurtienne  
George Koo, representing Mountain View Pickleball Club  
Louise Saadati  
Barry Chang  
Suzanne a'Becket  
Fariba Alikhana  
Nori  
Tracy K.  
Deepa Mahendraker  
Michael Hsu  
Parimal Kopardekar  
Sayuri

Mayor Mohan closed the public comment period.

MOTION: Mohan moved and Fruen seconded a motion to:

1. Adopt Resolution No. 24-030, Addendum to the Parks and Recreation System Master Plan Initial Study/Mitigated Negative Declaration; and
2. Approve the Memorial Park Specific Plan Design.

FRIENDLY AMENDMENT: Wei made a friendly amendment to provide direction to staff for when the project design returns to Council to add a second bocce ball court as recommended by the Parks and Recreation Commission, take into consideration the neighboring parcels next to the pickle ball court and ensure all sound mitigation and alternate locations are adequately addressed, and include sufficient community outreach. (Fruen and Mohan accepted Wei's friendly amendment).

FRIENDLY AMENDMENT: Chao made a friendly amendment to consider cost-cutting measures to reduce the scope. (Mohan declined Chao's friendly amendment and it was not included in the motion)

The motion as amended by Wei passed with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

**ITEMS REMOVED FROM THE CONSENT CALENDAR - None**

**CITY MANAGER REPORT**

City Manager Pamela Wu shared a video promoting the upcoming Cupertino Earth Day and Arbor Day Festival.

**ORAL COMMUNICATIONS - CONTINUED - None**

**COUNCILMEMBER REPORTS**

**10.    Subject: Councilmember Reports**

Councilmembers reported on their various committees and events as provided in the published agenda.

**FUTURE AGENDA ITEMS**

Council did not hear this item.

**ADJOURNMENT**

At 10:25 p.m., Mayor Mohan adjourned the Special City Council Meeting.

Minutes prepared by:



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Kirsten Squarcia, City Clerk