



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, January 17, 2023  
**SPECIAL MEETING**

At 5:01 p.m., Mayor Hung Wei called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

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

**STUDY SESSION**

1. Subject: Consider adopting Cupertino City Council Procedures Manual  
Recommended Action: Provide input regarding Council procedures and approve Resolution No. 23-021, adopting Cupertino City Council Procedures Manual  
Presenter: Christopher Jensen, City Attorney

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

City Attorney Christopher Jensen gave a presentation.

Councilmembers asked questions and made comments.

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

Jean Bedord supported the proposed procedures.

Caryl Gorska supporting delaying the vote to a future non-study session meeting.

Parks and Recreation Commissioner Carol Stanek (representing self) supported the proposed procedures.

Peggy Griffin supported modifications to the proposed procedures.

Lisa Warren supported modifications and further discussion of the item.

San R supported including data points from other cities and modifications.

Housing Commissioner Tessa Parish (representing self) supported delaying the item, further noticing, and modifications.

Cathy Helgerson supported using a mediator to develop procedures and opposed voting on the item. (Submitted written comments).

Housing Commissioner Connie Cunningham (representing self) supported the proposed procedures and approval of the draft resolution.

Jennifer Griffin opposed voting on the item at a study session.

Jennifer Shearin supported approval of the proposed procedures with concerns.

Richard Lowenthal supported approval of the proposed procedures with clarifications.

Rhoda Fry supported modifications to the proposed procedures.

Mayor Wei closed the public comment period.

Councilmembers provided the following comments:

Councilmember Moore:

- Revise Section 1.1 to delete “and members of the public.”
- Revise Section 2.1 to delete: “The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor.”
- Remove Section 2.2 until we have determined a process.
- Revise Section 3.1 as follows: “The Mayor shall appoint Councilmembers to standing committees and all Councilmembers may nominate any Councilmember to ad hoc committees and subcommittees established by the City Council, with consideration of Councilmember preference, equitable distribution, seniority, experience, and benefit to the committee, subject to ratification by the Council at its next regular meeting. It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council.”
- Revise Section 3.3 as follows: “Council committee and subcommittee members are

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to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing ~~whenever a recommendation is made to the Council.~~"

- Revise Section 4.2 as follows: "At least one commission member, preferably the Chair or Vice Chair, must attend City Council meetings when the commission has an item of interest on the Council agenda, so as to be available to answer Council questions."
- Revise Section 4.4 as follows: ". . . ~~Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.~~ Commissioners and committee members shall not be employees of the City or companies which the City contracts with, or employees of subcontracted companies."
- Delete "Individual Councilmembers and commissioners shall have the right to attend meetings of commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations."
- Revise Section 5.1 to add the following: "Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if three or more meetings are missed."
- Revise Section 5.2 to add the following: "Official correspondence from any member of Council shall be provided to all members of Council."
- Revise Section 5.3 as follows: "Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral ~~or~~ and written reports to the Council"; and add the following: "The Council representative shall provide a written report to Council consistent with Section 3.3."

#### Councilmember Chao:

- Council did not request this item and Councilmembers and Commissioners were not consulted.
- There is insufficient time to review all Councilmember proposed revisions.
- No action can be taken at a study session.
- Provide sources and documents used for the draft.
- Add: staff should make every effort to respond in a timely and professional manner to all information requests, as specified in the City Code; if request workload is too significant, then assign to staff through the collective direction of Council; City Manager will submit a significant workload request on a Council agenda, so Council can decide with public input.
- Oppose restricting Councilmembers from filing Public Records Act requests
- Add: "Respect the Role of Council Members as Policy Makers for the City. Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The

Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives.”

- Add: “Questions and all staff-prepared responses will be forwarded to all Councilmembers as well as put up on the special web page created for public review of Council agenda questions and staff responses. Staff will include the name of the Councilmember posing the questions in the ‘subject’ field of the e-mail response. Written copies of all Councilmember agenda questions and staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public.”
- Look at City of Palo Alto procedure that two Councilmembers may draft a memo proposing a potential policy or study, and Council decides whether to add to an agenda or refer to a commission.
- Agenda titles should be descriptive and include requested action.

Vice Mayor Mohan: Support moving forward with the proposed procedure’s manual, consider all comments received, include comments listed in presentation; and make revisions later if necessary.

Councilmember Fruen:

- Revise Section 5.7 to delete requirement that state-approved ethics education must be online.
- Delete Section 8.2.
- Revise Section 8.5.2 to allow Councilmembers to remove at most one item from the consent calendar without providing notice before the Council meeting begins.
- Revise Section 8.6 to remove the 10-minute limit on total time for public comment by a single member of the public and to increase the length of time members of the public have to raise their hand or submit a blue card to speak to 9 minutes.
- Replace Section 8.9.3 with the following: “Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. The Mayor may allow additional time for questions where appropriate. This rule shall displace any conflicting rule in the City’s adopted rules of procedure.”
- Revise Section 8.10 to require only a majority of members present and voting to

extend Council meetings past 11:30 p.m., instead of a 2/3 vote of the Council.

- Revise Section 8.12 to clarify that a special meeting may be called during the recess period.

Mayor Wei: Support having Council procedures to follow and moving forward with process.

Council consented to collectively email a list of all recommended edits to the City Attorney and City Manager, and these comments would be included in a new draft.

Chao moved and Moore seconded to continue Study Session Item 1 regarding Council procedures to another future study session, with the Council action to be scheduled at a regularly scheduled meeting; and to continue Study Session Item 2 regarding composition and responsibilities of existing Commissions and Committees to another future study session. The motion carried unanimously.

2. Subject: Study Session to consider modifying Municipal Code Title 2 regarding compositions and responsibilities of existing Commissions and Committees  
Recommended Action: Direct staff to proceed with ordinance amendment to consolidate existing Commissions and Committees  
Presenter: Pamela Wu, City Manager

Written communications for this item included a staff presentation and emails to Council.

As noted under Item 1, Council continued this item to a future study session date.

## **ADJOURNMENT**

At 6:43 p.m., Mayor Wei adjourned the Special City Council Meeting.

## **REGULAR MEETING**

At 6:48 p.m., Mayor Paul called the Regular City Council Meeting 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 Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen and Kitty Moore. Absent: none.

**CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Certificate of appreciation to Captain Neil Valenzuela to welcome him back to the Cupertino Community as Captain of the West Valley Patrol Division of the Santa Clara County Sheriff's Office

Recommended Action: Present certificate of appreciation to Captain Neil Valenzuela to welcome him back to the Cupertino Community as Captain of the West Valley Patrol Division of the Santa Clara County Sheriff's Office

Captain Neil Valenzuela received the certificate of appreciation.

Mayor Wei presented the certificate of appreciation to Captain Neil Valenzuela welcome him back to the Cupertino Community as Captain of the West Valley Patrol Division of the Santa Clara County Sheriff's Office.

**POSTPONEMENTS AND ORDERS OF THE DAY**

Wei moved and Mohan seconded to reorder the agenda to hear Item 27 Weed Abatement Program and Item 28 Elected Officials' Compensation Program after Oral Communications. The motion carried unanimously.

**ORAL COMMUNICATIONS**

Wallis Alviar supported closure of Lehigh cement plant and goals to revoke the plant's permit, stop the mining, begin reclamation, and deny approval of a new landfill business.

Richard Adler supported permanent closure of Lehigh quarry and cement plant, including all mining activities, and beginning restoration.

Rose Grymes supported a Blackberry Farm plan option to transition Blackberry Farm from its current Golf Course operation to a natural habit.

Yuko Shima supported assisting unhoused residents, including providing mental health services and safe places to sleep.

Seema Lindskog supported considering the City's climate goals and environmental impacts when planning a new Cupertino City Hall project.

Housing Commissioner Tessa Parish (representing self) was concerned about school sprinkler systems running during rainfall and supported a water waste public reporting tool.

Lisa Warren supported in-person City Council meetings, closing Lehigh and reclaiming the site, and an option for Blackberry Farm Golf Course to coexist with a natural habitat setting.

Housing Commissioner Connie Cunningham (representing self) supported adding biodiversity and the planting of trees to Climate Action Plan 2.0. and restoring nature at Blackberry Golf Course.

Jennifer Griffin supported infrastructure upgrades to maintain roads during heavy rainfall and emergency preparedness plans.

Keith Kreft supported continuing the use of Blackberry Farm Golf Course and was concerned about the use analysis and survey results discussed at the September 9 joint meeting.

Kathy Stakey supported continuing the use of the golf course at Blackberry Farm and preserving the bird population onsite.

Don Halsey supported restoring Blackberry Farm Golf Course, preserving the existing natural habitat, and converting other areas into natural spaces. (Submitted written comments).

Helen Wiant supported converting Blackberry Farm Golf Course to a natural habitat and the considering the project value as an educational model for home and corporate landscapes.

John Kehoe supported converting Blackberry Farm Golf Course to natural habitat and preserving natural wildlife and maintaining biodiversity.

Rhoda Fry supported goals to close Lehigh cement plant and quarry and begin reclamation and opposed converting the land into for-profit landfill.

## **PUBLIC HEARINGS**

27. Subject: Abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 22-138; hearing for impacted property owners to contest the matter of proposed abatement  
Recommended Action: Adopt Resolution No. 23-019 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 22-138; and conduct hearing for impacted property owners to contest the matter of proposed abatement

As noted under Postponements and Orders of the Day, this item was heard after Oral Communications.

Written communications for this item included a staff presentation.

Councilmember Chao recused herself from this item and left the dais.

City Clerk Kirsten Squarcia gave a presentation.

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

Xinglei Zhu said that he had been compliant in maintaining his lawn during the weed season and shared photos and requested an appeal for APN 375-32-026.

Fan Kong said his property on Loree Avenue APN 375-07-029 had been compliant for three years but was still listed in the report and requested removal from the program.

Mayor Wei closed the public hearing.

Councilmembers asked questions and made comments.

Moore moved and Fruen seconded to adopt Resolution No. 23-019 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 22-138 with a modification that APN 375-07-029 on Loree Avenue be stricken from the list. The motion carried unanimously with Chao absent (recused).

Councilmember Chao returned to the dais.

## **ORDINANCES AND ACTION ITEMS**

28. Subject: Consider approving amendments to Elected Officials' Compensation Program  
Recommended Action: Adopt Resolution No. 23-020 amending the Elected Employees' Compensation Program

As noted under Postponements and Orders of the Day, this item was heard after Item 27 which was moved after Oral Communications.

Written communications for this item included a staff presentation.

Director of Administrative Services Kristina Alfaro reviewed the staff report.

Mayor Wei opened the public comment period, and seeing no one, closed the public comment period.



Councilmembers asked questions and made comments.

Mohan moved and Wei seconded to adopt Resolution No. 23-020 amending the Elected Officials' Compensation Program. The motion carried unanimously.

## REPORTS BY COUNCIL AND STAFF

2. Subject: Brief reports on councilmember activities and brief announcements  
Recommended Action: Receive brief reports on councilmember activities and brief announcements

Council received brief reports on councilmember activities and brief announcements.

3. Subject: Report on Committee assignments  
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

4. Subject: Report on Subcommittee assignments  
Recommended Action: Report on Subcommittee assignments

Councilmembers reported on Subcommittee assignments.

5. Subject: City Manager update  
Recommended Action: Receive City Manager update on City business

Council received the City Manager update on City business.

## CONSENT CALENDAR (Items 6-26)

Fruen moved and Moore seconded to approve the items on the Consent Calendar, except for Items 10, 13, 18, 19, 20, 23, 26 which were pulled for discussion. Ayes: Wei, Mohan, Chao, Fruen, and Moore. Noes: None. Abstain: None. Absent: None.

6. Subject: Consider approval of the December 13 City Council minutes  
Recommended Action: Approve the December 13 City Council minutes

7. Subject: Consider approval of the December 15 City Council minutes  
Recommended Action: Approve the December 15 City Council minutes

8. Subject: Consider approval of the December 20 City Council minutes
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Recommended Action: Approve the December 20 City Council minutes

Written Communications for this item included an amended Attachment A - Draft Minutes.

9. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period January 17, 2023 through February 16, 2023 pursuant to the Brown Act, as amended by AB 361  
Recommended Action: Adopt Resolution No. 23-001 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period January 17, 2023 through February 16, 2023 pursuant to the Brown Act, as amended by AB 361

Written communications for this item included an amended Staff Report and Attachment A – Draft Resolution and a staff presentation.

10. Subject: Consider accepting Accounts Payable for the periods ending October 10, 2022; October 19, 2022; October 24, 2023; and October 31, 2022  
Recommended Action: A. Adopt Resolution No. 23-002 accepting Accounts Payable for the Period ending October 10, 2022;  
a. Adopt Resolution No. 23-003 accepting Accounts Payable for the Period ending October 19, 2022;  
b. Adopt Resolution No. 23-004 accepting Accounts Payable for the Period ending October 24, 2022; and  
c. Adopt Resolution No. 23-005 accepting Accounts Payable for the Period ending October 31, 2022

This item was pulled from the Consent Calendar for discussion.

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

Peggy Griffin supported presenting Accounts Payable reports on a monthly basis.

Mayor Wei closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Fruen seconded to:

- A. Adopt Resolution No. 23-002 accepting Accounts Payable for the Period ending October 10, 2022;  
B. Adopt Resolution No. 23-003 accepting Accounts Payable for the Period ending

October 19, 2022;

C. Adopt Resolution No. 23-004 accepting Accounts Payable for the Period ending October 24, 2022; and

D. Adopt Resolution No. 23-005 accepting Accounts Payable for the Period ending October 31, 2022.

The motion carried unanimously.

11. Subject: Consider accepting Accounts Payable for the periods ending November 07, 2022; November 21, 2022; and November 28, 2022

Recommended Action: A. Adopt Resolution No. 23-006 accepting Accounts Payable for the Period ending November 07, 2022;

B. Adopt Resolution No. 23-007 accepting Accounts Payable for the Period ending November 21, 2022; and

C. Adopt Resolution No. 23-008 accepting Accounts Payable for the Period ending November 28, 2022

12. Subject: Consider accepting Accounts Payable for the periods ending December 05, 2022; December 12, 2022; December 19, 2022; and December 26, 2022

Recommended Action: A. Adopt Resolution No. 23-009 accepting Accounts Payable for the Period ending December 05, 2022;

a. Adopt Resolution No. 23-010 accepting Accounts Payable for the Period ending December 12, 2022;

b. Adopt Resolution No. 23-011 accepting Accounts Payable for the Period ending December 19, 2022; and

c. Adopt Resolution No. 23-012 accepting Accounts Payable for the Period ending December 26, 2022

13. Subject: Consider the Monthly Treasurer's Report for October 2022

Recommended Action: Receive the report

This item was pulled from the Consent Calendar for discussion.

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

Peggy Griffin supported the availability of financial reports on the City website and regular review by the Audit Committee. (Submitted written comments).

Lisa Warren supported presenting financial reports on a regular basis.

Mayor Wei closed the public comment period.

Councilmembers asked questions and made comments.

Council received the Monthly Treasurer's Report for October 2022.

14. Subject: Consider the Monthly Treasurer's Investment Report for October 2022  
Recommended Action: Receive the report
15. Subject: Consider the Monthly Treasurer's Report for November 2022  
Recommended Action: Receive the report
16. Subject: Consider the Monthly Treasurer's Investment Report for November 2022  
Recommended Action: Receive the report
17. Subject: Consider a resolution establishing the City Council meeting calendar through January 2, 2024  
Recommended Action: Adopt Resolution No. 23-013 establishing the City Council meeting calendar through January 2, 2024
18. Subject: Consider amending the 2023 Council Committee Assignments to designate a Council appointment to the Historical Society Advisory Council  
Recommended Action: Approve amendment to the 2023 Council Committee Assignments to designate Councilmember Moore as the primary and Councilmember Chao as the alternate to the Historical Society Advisory Council

This item was pulled from the Consent Calendar for discussion.

Councilmembers asked questions and made comments.

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

Jennifer Griffin supported preserving the Stockmeir property and the farming history of Cupertino.

Kathy Stakey was concerned about Councilmembers joining advisory boards of non-profit organizations.

Mayor Wei closed the public comment period and the following people spoke.

Wei moved and Chao seconded to approve an amendment to the 2023 Council

Committee Assignments to designate Councilmember Fruen as the primary and Councilmember Chao as the alternate to the Historical Society Advisory Council, pending Councilmember Fruen's resignation from the Historical Society Board. The motion carried unanimously with Moore abstaining.

19. Subject: Consider approval of response to the 2022 Civil Grand Jury of Santa Clara County Report entitled "Show Me the Money: Financial Transparency Needed"  
Recommended Action: Approve the response to the 2022 Civil Grand Jury of Santa Clara County Report entitled "Show Me the Money: Financial Transparency Needed"

This item was pulled from the Consent Calendar for discussion.

Mayor Wei opened the public comment period.

Peggy Griffin supported producing monthly Treasurers Reports and Councilmember efforts to support City compliance.

Lisa Warren supported Councilmember and staff efforts to support City compliance and opposed negative community feedback.

Mayor Wei closed the public comment period

Councilmembers asked questions and made comments

Chao moved and Fruen seconded to approve the response to the 2022 Civil Grand Jury of Santa Clara County Report entitled "Show Me the Money: Financial Transparency Needed." The motion carried unanimously.

20. Subject: Status update on the 6th Cycle Housing Element update  
Recommended Action: Receive the report on the status of the Housing Element update and the next steps identified in this report to expedite the Housing Element review process

This item was pulled from the Consent Calendar for discussion.

Acting Community Development Director Luke Connolly reviewed the staff report.

Mayor Wei opened the public comment period.

Jennifer Griffin was concerned about the Housing Element process and January 31 deadline and Housing and Community Development (HCD) management.

Housing Commissioner Connie Cunningham (representing self) supported an ambitious Housing Element process, a tenant relocation assistance ordinance, and a rental preservation program.

Peggy Griffin supported the staff recommendation to submit a Housing Element draft before the deadline.

Lisa Warren supported the staff recommendation to a Housing Element draft before the January 31 deadline.

Mayor Wei closed the public comment period.

Councilmembers asked questions and made comments.

Council received the report on the status of the Housing Element update and the next steps identified in this report to expedite the Housing Element review process.

Council recessed from 9:40 p.m. to 9:48 p.m.

21. Subject: Consider an amendment to the Cost Sharing Agreement between the City of Cupertino and the Santa Clara Valley Water District (Valley Water) for water conservation programs  
Recommended Action: Authorize the City Manager to execute the Sixth Amendment to the Cost Sharing Agreement between the City of Cupertino and Valley Water, increasing the amount by \$165,000, for a total amount not to exceed \$395,500, and extending the Term of the Agreement to end on June 30, 2024; and Adopt Resolution No. 23-014 approving budget modification #2222-252 increasing appropriations by \$90,000 in City Manager, Sustainability budget
  
22. Subject: Consider a resolution authorizing the City of Cupertino to take all necessary steps to accept \$1,000,000 in specified grant funds from the Budget Act of 2022-2023 for the Jollyman Park All-Inclusive Playground  
Recommended Action: 1. Adopt Resolution No. 23-015 (Attachment A) authorizing the City of Cupertino to take all necessary steps to accept \$1,000,000 in specified grant funds from the Budget Act of 2022-2023 for the Jollyman Park All-Inclusive Playground; and  
2. Adopt Resolution No. 23-016 (Attachment B) approving budget modification no. 2223-251 increasing revenue for Jollyman All-Inclusive Playground (420-99-051, PVAR 007) by \$1,000,000

23. Subject: Consider authorizing the Director of Public Works to reject all bids received for the Blackberry Farm Pool Improvements Capital Improvement Program (CIP) Project

Recommended Action: Authorize the Director of Public Works to reject all bids received for the Blackberry Farm Pool Improvements Project

This item was pulled from the Consent Calendar for discussion.

CIP Manager Susan Michael reviewed the staff report.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period.

Peggy Griffin asked about grant funding for the project.

Mayor Wei closed the public comment period.

Chao moved and Mohan seconded to authorize the Director of Public Works to reject all bids received for the Blackberry Farm Pool Improvements Project. The motion carried unanimously.

24. Subject: Consider award of a construction contract for the Wilson Park Basketball Court Project (Project No. 2022-11) for the construction of a new full-size outdoor basketball court, including associated improvements

Recommended Action: 1. Award a construction contract for the Wilson Park Basketball Court Project and authorize the City Manager to execute the contract in the amount of \$299,474.00 with Guerra Construction Group;

2. Authorize the Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$29,947.40 (10 %) for a total authorized contract amount of \$329,421.40; and

3. Adopt Resolution No. 23-017 approving budget modification #2223-248 increasing appropriations in the Capital Improvement Program Capital Projects Fund (budget unit 420-99-252) and the Capital Reserve (budget unit 420-99-001) by \$160,000 including construction, contingency, construction management, inspection, and testing services

25. Subject: Consider award of a construction contract for the Wilson Park Community Garden Project (Project 2020-01.1) for construction of a new community garden and associated improvements

Recommended Action: 1. Award a construction contract for the Wilson Park Community Garden Project and authorize the City Manager to execute a contract in the amount of \$284,585 (including base bid of \$245,085 plus \$39,500 for bid alternatives 2, 3, 4, and 5) with Tyman Construction;

2. Authorize the Director of Public Works to execute any necessary change orders up to the construction contingency amount of \$28,458 (10%) for a total authorized contract amount of \$313,043; and
3. Adopt Resolution No. 23-018 approving budget modification #2223-249 increasing appropriations in the Capital Improvement Program (budget unit 420-99-083) and the Capital Projects Reserve (budget unit 420-90-001) by \$90,000 to fully fund the remaining project costs, which include contingency, construction management, inspection, and testing services
26. Subject: Consider Lawrence-Mitty Park and Trail project design direction following community outreach results.  
Recommended Action: Approve Lawrence-Mitty Park and Trail project design direction following community outreach results and proceed to Final Concept Design Development.

This item was pulled from the Consent Calendar for discussion.

CIP Manager Susan Michael reviewed the staff report.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period.

Jennifer Griffin supported the project and additional fencing.

Jennifer Shearin supported the project.

Peggy Griffin supported the project and was concerned about the safety of unhoused individuals in the area.

Lisa Warren was concerned about the safety of unhoused individuals in the area.

Mayor Wei closed the public comment period.

Chao moved and Fruen seconded to approve Lawrence-Mitty Park and Trail project design direction following community outreach results and proceed to Final Concept Design Development. The motion carried unanimously.

**SECOND READING OF ORDINANCES - None**

**ORAL COMMUNICATIONS - CONTINUED (As necessary) - None**



**COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Councilmembers requested the following future agenda items:

- Reconsider Council’s decision on City Hall on November 15, 2022 (Fruen/Wei)
- Consider adding a vacancy tax as a future ballot measure (Moore/Chao)

Councilmembers also requested the following information to be provided via memo:

- Receive updated memo on Lehigh Cement Plant and Quarry activities (Chao/Moore)
- Receive memo on sales tax audit being conducted by the California Department of Tax and Fee Administration (CDTFA) and upcoming legislation (Chao)
- City Manager updates on milestones related to the Housing Element (Mohan)

**ADJOURNMENT**

At 10:43 p.m., Mayor Wei adjourned the Regular City Council Meeting.

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Kirsten Squarcia, City Clerk