



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, September 20, 2022

SPECIAL MEETING

At 5:30 p.m., Mayor Paul called the Special City Council Meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei (5:36 p.m.), and Jon Robert Willey. All Councilmembers attended the meeting via teleconference.

STUDY SESSION

1. Subject: Study Session to consider potential Municipal Code Amendments to allow properties in Single Family Residential Districts to subdivide properties into two and/or develop properties with up to two units ministerially pursuant to CA Senate Bill 9
Recommended Action: Receive this report and provide direction to staff on next steps related to finalizing a regular ordinance to implement Senate Bill 9
Presenter(s): Emi Sugiyama, Assistant Planner and Piu Ghosh, Planning Manager

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

Assistant Planner Emi Sugiyama gave a presentation.

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

Jennifer Griffin opposed State housing bills and SB 9 allowances and was concerned about loss of local control.

Tej Kohli supported SB 9 allowances for flag lot splits in order to subdivide on his lot.

Nitu Kohli ceded their time to Tej Kohli.

Nagaraj Murthy opposed the lot split computation and supported allowing more people to find places to live.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council unanimously consented to continue the Special Meeting Study Session to the Regular Meeting after Oral Communications.

ADJOURNMENT

At 6:30 p.m., Mayor Paul adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:45 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 Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Vice Mayor Liang Chao and Councilmember Kitty Moore attended the meeting via teleconference.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Consider a proclamation recognizing September 21 as World Alzheimer's Day
Recommended Action: Present proclamation recognizing September 21 as World Alzheimer's Day

Senior Center Recreation Supervisor Alex Greer received the proclamation.

Mayor Paul presented the proclamation recognizing September 21 as World Alzheimer's Day.

2. Subject: Consider a proclamation recognizing National Hispanic Heritage Month from September 15, 2022 to October 15, 2022

Recommended Action: Present proclamation recognizing National Hispanic Heritage Month from September 15, 2022 to October 15, 2022

City Clerk Kirsten Squarcia received the proclamation.

Mayor Paul presented the proclamation recognizing National Hispanic Heritage Month from September 15, 2022 to October 15, 2022.

3. Subject: Update on Fiscal Year 2021-22 and FY 2022-23 of City Work Program Item on Homeless Jobs Program

Recommended Action: Receive presentation on the FY 2021-22 successful completion and FY 2022-23 continuation of the Homeless Jobs Program City Work Program item
Presenter: Kerri Heusler, Housing Manager

Written communications for this item included a staff presentation.

Housing Manager Kerri Heusler gave a presentation.

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

Jennifer Griffin supported the continuation of the Homeless Jobs Program.

Rahul Vadodkar supported the continuation of the Homeless Jobs Program.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

West Valley Community Services Executive Director Josh Selo answered questions.

Council received the presentation on the FY 2021-22 successful completion and FY 2022-23 continuation of the Homeless Jobs Program City Work Program item.

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Written Communications for this item included an email from Emily Poon opposing closure of Blackberry Farm Golf Course to build a natural habitat and supporting mutual solutions.

Peggy Griffin supported keeping Blackberry Farm Golf open instead of converting the site to a

natural habitat and revisions to increase revenues. (Submitted written comments).

Judy Lomas ceded their time to Friends of Blackberry Farm Golf.

Jennifer Griffin opposed high-density housing and ADU (Accessory Dwelling Unit) bills and using the terms “by-right ministerial” and “streamlining” to eliminate local control.

Venkat Ranganathan was concerned about an unhoused person encamped at Portal Avenue and Stevens Creek Boulevard and supported moving them to a shelter. (Submitted written comments).

Lisa Warren supported keeping Blackberry Farm Golf Course open instead of converting the site to a natural habitat.

Rhoda Fry supported Council’s governance and accomplishments and keeping Blackberry Farm Golf Course open and terminating studies to close it.

Darren Stevens, representing Friends of Blackberry Farm Golf, supported preserving Blackberry Farm Golf Course as a recreational value for families. (Submitted written comments).

Rahul Vadodkar was concerned about an unhoused person at Stevens Creek Boulevard and Portal Avenue and supported ways to help them. (Submitted written comments).

Ken Eng, representing Friends of Blackberry Farm Golf, presented risk factors to support keeping Blackberry Farm Golf Course open as a benefit to the community. (Submitted written comments).

City Clerk Kirsten Squarcia read email on behalf of Caitlyn Huang supporting Council’s accomplishments since 2018.

At 8:40 p.m., Mayor Paul re-opened Oral Communications and the following people spoke.

Don Halsey, representing Friends of Blackberry Farm Golf, supported keeping Blackberry Farm Golf Course open and was concerned about the metrics of the outreach survey. (Submitted written comments).

Mayor Paul then closed Oral Communications.

SPECIAL MEETING STUDY SESSION - CONTINUED

Council continued the Special Meeting Study Session Item 1 heard at 5:30 p.m.

1. Subject: Study Session to consider potential Municipal Code Amendments to allow properties in Single Family Residential Districts to subdivide properties into two and/or develop properties with up to two units ministerially pursuant to CA Senate Bill 9
Recommended Action: Receive this report and provide direction to staff on next steps related to finalizing a regular ordinance to implement Senate Bill 9

Councilmembers asked questions and made comments.

Council received the report and Councilmembers provided the following comments to staff on next steps related to finalizing a regular ordinance to implement Senate Bill 9.

Flag lots:

Willey: concerned about privacy protection and supported hearing Planning Commission recommendation.

Moore: concerned about how many lots could be potentially impacted and lack of information; asked about ways to accommodate resident subdivision request; and supported hearing Planning Commission recommendation.

Wei: supported building in flexibility.

Chao: concerned about flexibility without a process of appeal.

Paul: supported example raised by a member of the public.

Second story balcony:

Willey: concerned about privacy protection and opposed considering until assurances that adjacent parcels will not be affected.

Moore: supported a discretionary approval process or none; concerned about upsetting neighbors; and supported larger setback for RHS.

Wei: opposed one-size-fits-all approach and supported privacy considerations.

Chao: supported all balconies requiring discretionary review for smaller RHS lots and clarifying ministerial or by-right approval versus discretionary.

Paul: supported a discretionary process taking public input into account

Grade change:

Willey: requested information on why current process is different from SB 9.

Moore: supported modifying regulations in a rational way and increasing housing supply by being limited to a 6-inch limit.

Wei and Chao: supported staff recommendation and building in flexibility.

Paul: supported the staff recommendation and bringing back language for Council to consider.

Zero foot setback:

Wiley: supported for duplex developments and maintaining four-foot setbacks if SFR (Single Family Residential).

Moore, Wei: supported the zero-foot setback and requested clarifications on staff recommendations.

Chao: supported the staff recommendation to clarify objective standards.

Paul: supported the staff recommendations.

Second Story Envelope:

Wiley, Wei, Chao, Paul: supported the staff recommendations.

Moore: supported retaining and exempting zero setback portions.

Council recessed from 8:41 p.m. to 8:47 p.m.

REPORTS BY COUNCIL AND STAFF

4. 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.

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

Councilmembers highlighted the activities of their various committees.

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

Councilmembers reported on Subcommittee assignments.

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

Council received the City Manager update on City business.

8. Subject: Department Update - Public Works
Recommended Action: Receive update regarding the Public Works Department

Written communications for this item included a staff presentation.

Public Works Director Matt Morley gave a presentation.

Council received the update regarding the Public Works Department.

CONSENT CALENDAR (Items 9-17)

Wei moved and Moore seconded to approve the items on the Consent Calendar except for Items 14, 15, and 16 which were pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

9. Subject: Consider approval of the August 29 City Council minutes
Recommended Action: Approve the August 29 City Council minutes
10. Subject: Consider approval of the August 30 City Council minutes
Recommended Action: Approve the August 30 City Council minutes
11. Subject: Consider approval of the September 6 Special Meeting (Closed Session) City Council minutes
Recommended Action: Approve the September 6 Special Meeting (Closed Session) City Council minutes
12. Subject: Consider approval of the September 6 Regular Meeting City Council minutes
Recommended Action: Approve the September 6 Regular Meeting City Council minutes
13. Subject: Consider approval of the September 12 City Council minutes
Recommended Action: Approve the September 12 City Council minutes
14. Subject: Consider accepting State grant funding for the Via On-Demand Shuttle Pilot Program and extending the contract with Nomad Transit, LLP to operate Via Shuttle Pilot Program
Recommended Action:
 1. Accept grant funding for the Via Shuttle Pilot Program from the California State Transportation Agency's (CalSTA) Transit & Intercity Rail Capital Program (TIRCP) grant in the amount of \$8,465,000
 2. Authorize the City Manager to execute an amendment to the Professional/ Consulting Services Agreement with Nomad Transit, LLC for the Via On-Demand Shuttle Pilot Program (Attachment A), increasing the previous not to exceed amount by \$200,000 and extending the term to June 30, 2023
 3. Adopt Resolution No. 22-117 (Attachment B) to approve a budget modification

(number 2223-231) increasing appropriations in the General Fund, Traffic Engineering Program (100-88-844) by \$200,000, for a revised not-to-exceed amount of \$1,950,000 for the Via Shuttle Pilot Program

4. Find that the use of formal competitive bidding procedures is not practicable for the Cupertino-Santa Clara TIRCP shuttle program and direct the City Manager to dispense with City bidding requirements pursuant to the Cupertino Municipal Code § 3.22.060

Written communications for this item included a staff presentation.

Senior Transit and Transportation Planner Chris Correo gave a presentation.

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

Councilmembers asked questions and made comments.

Chao moved and Moore seconded to:

1. Accept grant funding for the Via Shuttle Pilot Program from the California State Transportation Agency's (CalSTA) Transit & Intercity Rail Capital Program (TIRCP) grant in the amount of \$8,465,000;

2. Authorize the City Manager to execute an amendment to the Professional/ Consulting Services Agreement with Nomad Transit, LLC for the Via On-Demand Shuttle Pilot Program, increasing the previous not to exceed amount by \$200,000 and extending the term to June 30, 2023;

3. Adopt Resolution No. 22-117 to approve a budget modification (number 2223-231) increasing appropriations in the General Fund, Traffic Engineering Program (100-88-844) by \$200,000, for a revised not-to-exceed amount of \$1,950,000 for the Via Shuttle Pilot Program; and

4. Find that the use of formal competitive bidding procedures is not practicable for the Cupertino-Santa Clara TIRCP shuttle program and direct the City Manager to dispense with City bidding requirements pursuant to the Cupertino Municipal Code § 3.22.060.

The motion carried unanimously.

15. Subject: Consider providing a Statement of City Council Support for the I-280/Wolfe Road Interchange Project and authorize the appropriation of \$800,000 from the General Fund Capital Reserves as a 10% non-Measure B local match for the I-280/Wolfe Road Interchange Improvements Project

Recommended Action: 1. Provide a Statement of City Council Support for the I-280/Wolfe Road Interchange Project, and

2. Adopt Resolution No. 22-118 to approve budget modification 2223-239 increasing appropriations in the Capital Reserve by \$800,000 for the transfer out of funds

(429-90-001) and General Fund, budget 100-88-844 by \$800,000 for a 10% non-Measure B local match for the I-280/Wolfe Road Interchange Improvements Project

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

Jennifer Griffin was concerned about the potential impacts from Vallco and Apple.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Public Works Director Matt Morley and Transportation Manager David Stillman answered questions.

Moore moved and Paul seconded to:

1. Provide a Statement of City Council Support for the I-280/Wolfe Road Interchange Project, and
2. Adopt Resolution No. 22-118 to approve budget modification 2223-239 increasing appropriations in the Capital Reserve by \$800,000 for the transfer out of funds (429-90-001) and General Fund, budget 100-88-844 by \$800,000 for a 10% non-Measure B local match for the I-280/Wolfe Road Interchange Improvements Project

The motion carried unanimously.

16. Subject: Consider the Streetlight Transition Assessment Report
Recommended Action: Accept the Streetlight Transition Assessment Report

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

Jennifer Griffin supported including photo examples of streetlights to assess color and brightness.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Public Works Director Matt Morley and CIP Manager Susan Michael answered questions.

Paul moved and Willey seconded to bring the report back to Council with the request for modifications based on Council's input and requests for outreach. The motion carried unanimously.

Council recessed from 10:50 p.m. to 10:55 p.m.

17. Subject: Consider the summary vacation of a portion of a Public Utility Easement on the property located at 10778 Morengo Drive
Recommended Action: Adopt Resolution No. 22-119, summarily vacating a portion of a Public Utility Easement on the property located at 10778 Morengo Drive

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

Paul moved and Moore seconded to hear Item 19 before Item 18. The motion carried unanimously.

19. Subject: Consider amending the City of Cupertino Conflict of Interest Code for officials and designated employees per State law requirement on a biennial basis; 2022 Local Agency Biennial Notice
Recommended Action: a.) Adopt Resolution No. 22-120 rescinding Resolution No. 20-115 and amending the City of Cupertino Conflict of Interest Code for officials and designated employees; and b.) Authorize the City Manager to sign the required 2022 Local Agency Biennial Notice
Presenter: Kirsten Squarcia, City Clerk

Written Communications for this item included a staff presentation.

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

Moore moved and Wei seconded to:

- a.) Adopt Resolution No. 22-120 rescinding Resolution No. 20-115 and amending the City of Cupertino Conflict of Interest Code for officials and designated employees; and
b.) Authorize the City Manager to sign the required 2022 Local Agency Biennial Notice
The motion carried unanimously.

18. Subject: Update on the Status of the Research from the City Council Subcommittee Meetings for the Cupertino Community Funding Grant Program
Recommended Action: Receive an update on the status of the research from the City Council subcommittee meetings for the Cupertino Community Funding Grant Program

and provide direction on next steps.

Presenter: Rachelle Sander, Acting Director of Parks and Recreation

Written Communications for this item included a staff presentation.

Management Analyst Jacinta Liang gave a presentation.

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

City Clerk Kirsten Squarcia read an email on behalf of Parks and Recreation Commissioner Carol Stanek (representing self) supporting removing commissioners from the process and Council having direct input and interaction with the applicants.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council received the update on the status of the research from the City Council subcommittee meetings for the Cupertino Community Funding Grant Program.

Wei moved and Willey seconded for the Council Subcommittee to meet with Parks and Recreation Commissioners and decide next steps in the process.

Wei amended the motion to have the Council Subcommittee meet with Parks and Recreation Commissioners and staff; and bring back Commission recommendations and staff input to Council for follow-up. (Willey accepted the amendment). The motion as amended carried unanimously.

20. Subject: Consider:

a. Review crosswalk options across Rodrigues Avenue in the vicinity of the public pedestrian walkway easement through Tract 9405 (Campo De Lozano subdivision), located near 20138 Rodrigues Avenue; and

b. Review the proposed language for signage to be posted at each end of the pedestrian walkway easement through the Campo De Lozano subdivision

Recommended Action: 1. Consider directing staff to return to City Council one year after the opening of Regnart Creek Trail (tentatively scheduled for November 2023) with recommendations on the necessity for, and location of, potential crosswalks across Rodrigues Avenue in the vicinity of the public pedestrian walkway easement through Tract 9405 (Campo De Lozano subdivision), located near 20138 Rodrigues Avenue; and
2. Review the proposed language for the signage to be installed and posted at each end of the pedestrian walkway easement through the Campo De Lozano subdivision.

Installation would occur following Council's approval at the September 20, 2022 meeting

Presenter: David Stillman, Transportation Manager

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

Transportation Manager David Stillman gave a presentation.

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

Christina Yang opposed the easement being linked to the new crosswalk and supported directing traffic across Rodrigues and entering at the official trailhead.

John Z agreed with the previous speaker and supported crosswalk option A and opposed bikes and skateboards on the walkway.

Xingchi He supported modifications to the proposed signage and City liability and maintenance, fair decisions, and respectful conversations.

Mayor Paul closed the public comment period.

Paul moved and Moore seconded to continue this item, for purposes of continued hearing, consideration, deliberation, and decisions, until the October 18, 2022 City Council meeting. The motion carried unanimously with Chao absent.

ORAL COMMUNICATIONS - CONTINUED (As necessary) - None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Council did not hear this item.

ADJOURNMENT

At 12:12 a.m., on Wednesday, September 21, 2022, Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia City Clerk