



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 15, 2022

SPECIAL MEETING

At 5:30 p.m., Mayor Darcy 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, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

STUDY SESSION

1. Subject: Consider Options for West Coast Farmers' Market Location at a City Park
Recommended Action: Provide recommendation and direction on location of the West Coast Farmers' Market Association to operate a farmer's market at a City park on the westside of Cupertino
Presenter: Rachele Sander, Assistant Director of Parks and Recreation

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

Assistant Director of Parks and Recreation Rachele Sander gave a presentation.

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

Rebecca Smith talked about the farmers' market history and supported finding a good location.

Nori opposed the Memorial Park and parking lot on Alves locations for the farmers' market and supported alternative locations.

Peggy Griffin opposed Memorial Park as a location for the farmers' market and supported alternative locations.

Andy DeBaets talked about farmers' market donations and was concerned about the potential impacts of the proposed location change. (Submitted written comments).

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Willey seconded to form a Subcommittee comprised of Vice Mayor Chao and Councilmember Willey to work with West Coast Farmers' Market Association (WCFMA) Director Jerry Lami to reach out to various entities to try to find a location for the WCFMA going forward. The motion carried unanimously.

ADJOURNMENT

At 6:33 p.m., Mayor Paul adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:45 p.m., Mayor Darcy Paul called the Regular 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, and Jon Robert Willey. Absent: None. All Councilmembers teleconferenced for the meeting.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Recognize the receipt of the California Society of Municipal Finance Officers (CSMFO) Innovation Award
Recommended Action: Consider recognition of the receipt of the California Society of Municipal Finance Officers (CSMFO) Innovation Award for the City's Resident Tax Calculator and Budget Forecast Tool
Presenter: Thomas Leung, Senior Management Analyst

Written Communications for this item included a staff presentation.

Senior Management Analyst Thomas Leung gave a presentation.

Councilmembers asked questions and made comments.

Council recognized the receipt of the California Society of Municipal Finance Officers (CSMFO) Innovation Award for the City's Resident Tax Calculator and Budget Forecast Tool.

POSTPONEMENTS AND ORDERS OF THE DAY

Moore moved and Paul seconded to move Item 14 to the Consent Calendar and to accept the staff recommendation to continue Item 8 to April 5. The motion carried unanimously.

ORAL COMMUNICATIONS

Caller-in User 2 was concerned about an illegal structure that was torn down in her backyard and opposed the City's permit requirements.

Jenny Griffin opposed proposed bill AB 2097 which restricts parking minimums for new construction across the State, and loss of local control.

San Rao was concerned about traffic enforcement around the schools and requested a study of the types of citations being issued.

Rick Kitson, on behalf of the Cupertino Chamber of Commerce, noted upcoming new business openings and events in Cupertino.

REPORTS BY COUNCIL AND STAFF (10 minutes)

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: City Manager update

Recommended Action: Receive City Manager update on emergency response efforts and other City business

Council received the City Manager update on emergency response efforts and other City business.

CONSENT CALENDAR (Items 5-9 and 14)

Moore moved and Wei seconded to approve the items on the Consent Calendar as presented and Item 14 which was added to the Calendar. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the February 23 City Council minutes
Recommended Action: Approve the February 23 City Council minutes
6. Subject: Approve the March 1 City Council minutes
Recommended Action: Approve the March 1 City Council minutes
7. Subject: Approve the March 7 City Council minutes
Recommended Action: Approve the March 7 City Council minutes
8. Subject: Consider setting application deadline and interview dates for three terms expiring on the Teen Commission
Recommended Action: Set application deadline and interview dates for three terms expiring on the Teen Commission and approve:
 - 1.) Application deadline of 4:30 p.m. on Friday, May 13; and
 - 2.) Interview dates at 5:30 p.m. on Tuesday, May 24 and Wednesday, May 25 (as needed)

As noted under Postponements and Orders of the Day, this item was continued to April 5.

9. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period March 15, 2022 through April 14, 2022 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 22-033 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period March 15, 2022 through April 14, 2022 pursuant to the Brown Act, as amended by AB 361
14. Subject: Receive presentation on the City's drone program and consider accepting

accounts payable electronic funds transfer 32909 dated October 29, 2021, for the procurement of a Skydio X2E Drone Starter Kit

Recommended Action: Adopt Resolution No. 22-034 accepting Accounts Payable for EFT 32909, dated October 29, 2021

Presenter: Adam Araza, GIS Business Systems Analyst

As noted under Postponements and Orders of the Day, this item was moved to the Consent Calendar.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS – None

ORDINANCES AND ACTION ITEMS

- 10.** Subject: Progress on FY 2021-2022 Council Work Program item to develop ELI and BMR housing units for Developmentally Disabled individuals on City-owned property along Mary Avenue

Recommended Action: Provide direction to staff on next steps related to potential future development options

Presenter: Gian Martire, Senior Planner

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

Senior Planner Gian Martire gave a presentation.

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

Orrin Mahoney supported the project and provided a project overview. (Submitted written comments).

Jennifer Griffin supported the project and was concerned about surplus land guidelines.

Jan Stokely, on behalf of Housing Choices, supported the project and the inclusive housing model for Cupertino.

Kiran Varshnaya supported the ELI and BMR housing units as proposed at the Mary Avenue location.

Janet Van Zoeren supported the project and housing in the City with preferences for

people with intellectual and developmental disabilities.

Peggy Griffin supported the project, preserving it as public land forever, and with a priority given to Cupertino residents.

Kathy Robinson, on behalf of Charities Housing, supported the project and bringing high quality affordable housing to the City.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Wei seconded to direct staff to initiate the Request for Proposal (RFP) for the property, specifically pointing out that Council would like the project to be developed for the intellectually and developmentally disabled population.

Wei made a friendly amendment to add at least 50% ELI. (Chao and Wei accepted the friendly amendment).

Paul made a friendly amendment to modify Chao's motion to make it 100% affordable with a preference for the intellectually and developmentally disabled population, and to provide flexibility to staff members compiling the RFP and RFQ to optimize our chances of having a successful project. (Chao and Wei accepted the friendly amendment).

Final Motion:

Chao moved and Wei seconded to direct staff to initiate the Request for Proposal (RFP) for the property, specifically pointing out that Council would like the project to be developed for 100% affordable with a preference for the intellectually and developmentally disabled population, and to provide flexibility to staff members compiling the RFP and RFQ to optimize our chances of having a successful project. The amended motion carried unanimously.

Council recessed from 8:53 p.m. to 8:59 p.m.

Moore moved and Wei seconded to reorder the agenda to hear Item 15 before Item 11. The motion carried unanimously.

15. Subject: 2021 General Plan Annual Report and Housing Element Annual Progress Report (APR) on forms required by the Department of Housing and Community Development (HCD)
Recommended Action: Receive 2021 General Plan Annual Report and Housing

Element Annual Progress Report (APR) on forms required by the Department of Housing and Community Development (HCD)
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 City efforts to meet the current Housing Element requirements and was concerned about HCD operations.

Peggy Griffin requested that Housing Element e-notification subscribers be noticed about this type of item.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Moore seconded that Council note this report as received. The amended motion carried unanimously.

11. Subject: Review of Homeless Jobs Program, FY 2021-22 City Work Program item and consider adoption of Resolution No. 22-026 accepting accounts payable for the period ending January 10, 2022
Recommended Action: 1. Receive report; and
2. Adopt Resolution No. 22-026 accepting Accounts Payable for the period ending January 10, 2022
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 Cupertino Homeless Jobs Program.

Housing Commissioner Connie Cunningham (representing self) supported the Program and asked about offering positions to alternate participants.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Chao seconded to adopt Resolution No. 22-026 accepting Accounts Payable for the period ending January 10, 2022. The motion carried unanimously.

- 12.** Subject: Consider issuing a request to the CUSD Board for reconsideration of the future closures of Regnart and Meyerholz Elementary Schools
Recommended Action: Discuss taking a position that the Cupertino Union School District should reconsider its decision to close Regnart and Meyerholz Elementary Schools
Presenter: Jim Throop, City Manager

Written Communications for this item included emails to Council.

City Manager Jim Throop reviewed the staff report.

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

Xin Li supported requesting Cupertino Union School District (CUSD) Board reconsider its decision to close Regnart and Meyerholz Elementary Schools.

Amy Pang supported requesting CUSD Board reconsider its decision.

Helen Yan supported requesting CUSD Board reconsider its decision.

Jennifer Griffin supported requesting CUSD Board reconsider its decision.

Parks and Recreation Commissioner Minna Xu (representing self) supported requesting CUSD Board reconsider its decision.

Stacy Yao, on behalf of the District, opposed the proposed letter regarding the school closures.

CC Zhou supporting sending a letter to the CUSD Board to reconsider its decision.

Jean Bedord opposed inaccuracies in the proposed letter and supported Council actions that fall within its jurisdiction. (Submitted written comments).

Aegean Lee supported requesting CUSD Board reconsider its decision.

Manuela Silveira supported retracting the proposed letter and ceasing all action in this regard.

Tracy K supported requesting CUSD Board reconsider its decision.

Joan Shu supported requesting CUSD Board reconsider its decision.

Betty Li supported requesting CUSD Board reconsider its decision.

Punam Verna supported requesting CUSD Board reconsider its decision.

Housing Commissioner Tessa Parish (representing self) supported requesting CUSD Board reconsider its decision.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved to draft a letter taking a position that the City would like to be informed before any school closure or change of property use decision is put before the Board, so that the City has a chance to comment. There was no second and the motion was not considered.

Council discussed taking a position that the Cupertino Union School District should reconsider its decision to close Regnart and Meyerholz Elementary.

13. Subject: Consider report on Chamber of Commerce services and payment included in the Accounts Payable report ending December 20, 2021 and approval of Accounts Payable report

Recommended Action: Receive report and adopt Resolution No. 22-015 Accepting Accounts Payable for the period ending December 20, 2021

Presenter: Tina Kapoor, Economic Development Manager

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

Economic Development Manager Tina Kapoor gave a presentation.

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

Liana Crabtree supported a formal agreement and was concerned about the authority of a Memorandum of Understanding (MOU) and a \$25,000 fee for website hosting.

Peggy Griffin supported a formal contract with expected deliverables and was concerned about a \$25,000 fee for website development or hosting.

Planning Commissioner Steven Scharf (representing self) was concerned about the sufficiency of an MOU to give money to an outside agency and past existing contracts.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council unanimously consented to table this item until a later date.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Council did not hear this item.

ADJOURNMENT

At 12:00 a.m. on Wednesday, March 16, Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia City Clerk