



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, February 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.

COUNCIL WORKSHOP

1. Subject: Commissions and Committees Workshop
Recommended Action: Conduct Commissions and Committees Workshop and provide direction to staff
Presenter: Katy Nomura, Deputy City Manager

Written Communications for this item included a staff presentation.

Deputy City Manager Katy Nomura gave a presentation.

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

Jennifer Griffin opposed dissolving or consolidating the Environmental Review Committee (ERC) or Design Review Committee (DRC). (Submitted written comments).

Jean Bedord was concerned about staff time spent on Commissions and Committees and consultant costs and supported streamlining the commissions. (Submitted written comments).

Housing Commissioner Govind Tatachari (representing self) supported expanding the Housing scope to review new housing projects including affordable housing.

Lisa Warren supported maintaining the ERC and DRC and expanding the scope of the Committees.

Peggy Griffin supported maintaining ERC and DRC but removing staff, a Safe Routes Committee, increasing Audit Committee meeting frequency, and other modifications.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Willey seconded to:

1. direct staff to prepare a proposed codification of the Economic Development Committee in the Municipal Code, with membership comprised of two members of the City Council and three members from the community representing retail hospitality and the technology industry;
2. prepare a modification to the Municipal Code regarding the Environmental Review Committee, to be comprised of two members of the City Council and one member of the Planning Commission, and refer to the Committee the question of what scope of subject matter they would like to review and bring an update of the latter back to Council;
3. refer to the Planning Commission, the question of what scope of potential subject matter related to transportation it could review;
4. provide options for an expansion of the Audit Committee following referral of the question to a Council Subcommittee formed, comprised Vice Mayor Chao and Councilmember Moore, and bring an update back to Council;
5. refer to the Housing Commission, the question of what scope of subject matter it has been undertaking and what subject matter it would like to review and bring an update back to Council.

Moore made a friendly amendment to appoint Mayor Paul to serve on the Subcommittee instead of Councilmember Moore. (Paul and Willey accepted the friendly amendment); Paul modified his motion to add, "and include consideration of social services" to item 5. (Willey accepted the modification).

Final Motion

Paul moved and Willey seconded to direct staff to:

1. prepare a proposed codification of the Economic Development Committee in the Municipal Code, with membership comprised of two members of the City Council and three members from the community representing retail hospitality and the technology industry;

2. prepare a modification to the Municipal Code regarding the Environmental Review Committee, to be comprised of two members of the City Council and one member of the Planning Commission, and refer to the Committee the question of what scope of subject matter they would like to review, and bring an update of the latter back to Council;
 3. refer to the Planning Commission, the question of what scope of potential subject matter related to transportation it could review;
 4. provide options for an expansion of the Audit Committee following referral of the question to a Council Subcommittee formed tonight, comprised of Mayor Paul and Vice Mayor Chao, and bring an update back to Council; and
 5. refer to the Housing Commission, the question of what scope of subject matter it has been undertaking and what subject matter it would like to review, and include consideration of social services, and bring an update back to Council.
- The amended motion carried unanimously.

ADJOURNMENT

At 6:44 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: Proclamation supporting United Nations Human Rights Council resolution recognizing access to a healthy and sustainable environment as a universal right
Recommended Action: Present proclamation supporting United Nations Human Rights Council resolution recognizing access to a healthy and sustainable environment as a universal right

Students Vansh Mathur and Caroline Cheng, on behalf of Cupertino High School Model United Nations, and District Director Tom Pyke, on behalf the Office of Congressman Ro Khanna, received the presentation.

Mayor Paul presented the proclamation supporting United Nations Human Rights Council resolution recognizing access to a healthy and sustainable environment as a universal right.

2. Subject: Presentation by Captain Rich Urena of the Santa Clara County Sheriff's Department regarding public safety
Recommended Action: Receive presentation by Captain Rich Urena of the Santa Clara County Sheriff's Department regarding public safety

Written Communications for this item included a sheriff presentation.

Captain Rich Urena gave a presentation.

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

Lisa Warren supported the presentation and asked questions about PERT (Psychiatric Emergency Response Team) training and texting 911 calls.

Peggy Griffin asked about the location accuracy of 911 calls from a cell phone, monthly statistic postings on Nextdoor, and contact information about ransomware crimes.

Housing Commissioner Govind Tatachari (representing self) asked about the PERT team covering responses to schools and colleges.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council received the presentation by Captain Rich Urena of the Santa Clara County Sheriff's Department regarding public safety.

Council recessed from 7:46 p.m. to 7:52 p.m.

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Jennifer Griffin was concerned about the Housing Element number calculations in cities and rezoning areas for high density housing and supported a study session on these topics.

Lisa Warren requested project updates on Westport, Lawrence-Mitty Park, and Vallco and

supported Council consideration of a vacancy tax.

Louise Saadati supported Council highly prioritizing more Dogs Off Leash Areas (DOLAs) in the 2022-23 City Work Program.

Tony Alexander supported the community benefits of DOLAs and expanding to other areas of the City.

Mary Ellen Chell supported allowing more DOLAs and creating more trails in the City.

Peggy Griffin supported project updates including Mary Avenue ELI and County housing at the Outback site, considering a vacancy tax, and addressing pavement cuts in Cupertino.

REPORTS BY COUNCIL AND STAFF (10 minutes)

3. 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.

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

Councilmembers highlighted the activities of their various committees.

5. 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, development projects, and other City business.

CONSENT CALENDAR (Items 6-17)

Willey moved and Wei seconded to approve the items on the Consent Calendar except for Item Nos. 13 which was pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the January 24 City Council minutes
Recommended Action: Approve the January 24 City Council minutes

7. Subject: Approve the January 27 City Council minutes
Recommended Action: Approve the January 27 City Council minutes
8. Subject: Approve the February 1 (Commission Interviews) City Council minutes
Recommended Action: Approve the February 1 (Commission Interviews) City Council minutes
9. Subject: Approve the February 1 City Council minutes
Recommended Action: Approve the February 1 City Council minutes
10. Subject: Approve the February 7 City Council minutes
Recommended Action: Approve the February 7 City Council minutes
11. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period February 15, 2022 through March 16, 2022 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 22-025 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period February 15, 2022 through March 16, 2022 pursuant to the Brown Act, as amended by AB 361
12. Subject: Consider Planning Commission's recommendation to select Steven Scharf as the Environmental Review Committee representative
Recommended Action: Accept Planning Commission's recommendation to select Steven Scharf as the Environmental Review Committee representative
13. Subject: Consider Accounts Payable for the period ending January 10, 2022
Recommended Action: Adopt Resolution No. 22-026 accepting Accounts Payable for the period ending January 10, 2022

Councilmembers asked questions and made comments.

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

Council unanimously consented to table this item to a future meeting pending staff provisions of materials and answers to Councilmember questions.

14. Subject: Consider Accounts Payable for the period ending January 17, 2022
Recommended Action: Adopt Resolution No. 22-027 accepting Accounts Payable for

the period ending January 17, 2022

15. Subject: Consider Accounts Payable for the period ending January 24, 2022
Recommended Action: Adopt Resolution No. 22-028 accepting Accounts Payable for the period ending January 24, 2022
16. Subject: Consider Accounts Payable for the period ending January 31, 2022
Recommended Action: Adopt Resolution No. 22-029 accepting Accounts Payable for the period ending January 31, 2022
17. Subject: Consider approval of the Library Commission's recommendation to extend Jing Jing Yang's appointment as the Cupertino Poet Laureate until the end of 2022
Recommended Action: Adopt Resolution No. 22-030 approving the Library Commission's recommendation to extend Jing Jing Yang's appointment as the Cupertino Poet Laureate until the end of 2022

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

18. Subject: Options for Acquisition of Lehigh Cement Plant and Quarry by Santa Clara County
Recommended Action: Provide direction to the City Manager and City Attorney to prepare a letter in support of, and otherwise regarding, efforts by Santa Clara County to explore options for the acquisition of the Lehigh Cement Plant and Quarry and the termination of plant and quarry operations
Presenter: Christopher Jensen, City Attorney

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

City Attorney Christopher Jensen gave a presentation.

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

Jennifer Griffin supported the County plan of purchasing the property, a City annexation, referral to Midpen, and addressing floodplain and fire risks.

Lisa Warren supported the recent actions by the County Board of Supervisors and Council sending a letter of support to the Board.

Peggy Griffin supported Council sending a letter of support and looking into land use and flood risk since the property lies within Cupertino's boundaries.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Willey moved and Paul seconded to authorize the City Attorney to draft, prepare, and submit a letter of support of Supervisor Simitian and the County's effort to conduct the study for the next 90 days and to incorporate the comments shared by Councilmembers in the discussion within the draft of that letter. The motion carried unanimously.

19. Subject: Consider an update on the Via-Cupertino On-Demand Community Shuttle Pilot Program and proposed grant application: California State Transportation Agency (CalSTA,) Transit and Intercity Rail Capital Program (TIRCP)
Recommended Action: Receive an update on Via-Cupertino ridership since its re-launch on October 19, 2021 and consider authorization of a competitive grant application to CalSTA to fund 50% of shuttle costs in the future
Presenter: Chris Corrao, Senior Transit & Transportation Planner

Written Communications for this item included a staff presentation.

Senior Transit & Transportation Planner Chris Corrao gave a presentation.

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

Jennifer Griffin supported the program plan but was concerned about any mandates attached to accepting the grant.

Peggy Griffin supported adding the El Camino Hospital and Mountain View Caltrain Station destinations and was concerned about wait times.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Chao seconded to authorize a competitive grant application to CalSTA to fund 50% of shuttle costs in the future. The motion carried unanimously.

20. Subject: Consider an update on Stevens Creek Boulevard Steering Committee and consideration of the City of Cupertino's participation in the Stevens Creek Boulevard

Transit Vision Study

Recommended Action: Consider approving participation in the Stevens Creek Boulevard Corridor Transit Study to create a cohesive vision for the Stevens Creek Boulevard Corridor, including a study of the potential for transit

Presenter: Chris Corrao, Senior Transit & Transportation Planner

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

Senior Transit & Transportation Planner Chris Corrao gave a presentation.

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

Jennifer Griffin was concerned about MTC and a Complete Streets Program, giving up car traffic lanes, and traffic impacts from Vallco. (Submitted written comments).

Raania Mohsen, on behalf of San Jose Vice Mayor Chappie Jones, recommended Cupertino participation in the proposed Stevens Creek Corridor Transit Vision Study.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Willey moved and Wei seconded to approve participation in the Stevens Creek Boulevard Corridor Transit Study to create a cohesive vision for the Stevens Creek Boulevard Corridor, including a study of the potential for transit. Wei made a friendly amendment for the Cupertino study to extend to Foothill Boulevard. (Willey accepted the friendly amendment). Chao made a friendly amendment to add, "preferably not using general purpose travel lanes or adversely impact vehicular capacity on City surface street." (Willey accepted the friendly amendment and Wei declined the friendly amendment and the amendment was not considered). Council did not vote on this motion.

Final Motion:

Chao moved and Paul seconded a substitute motion to approve participation in the Stevens Creek Boulevard Corridor Transit Study to create a cohesive vision for the Stevens Creek Boulevard Corridor, including a study of the potential for transit, with the amendment of preferably not using general purpose travel lanes nor adversely impacting vehicular capacity on City surface street and extending the study to Foothill Boulevard. The substitute motion carried unanimously.

Council unanimously consented to continue the Regular City Council Meeting and consideration of the remaining agenda items to a Special City Council Meeting on Thursday, February 17 at 7:00 p.m.

21. Subject: FY 2021-2022 City Work Program Q2 Update
Recommended Action: Receive FY 2021-2022 City Work Program Q2 Update
Presenter: Katy Nomura, Deputy City Manager

This item was continued to Thursday, February 17 at 7:00 p.m.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

This item was continued to Thursday, February 17 at 7:00 p.m.

ADJOURNMENT

At 11:25 p.m., Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia City Clerk