



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 15, 2024

At 6:45 p.m., Mayor Sheila Mohan 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 Sheila Mohan, Vice Mayor J.R. Fruen, and Councilmembers Liang Chao, Kitty Moore, and Hung Wei (participated remotely). Absent: None.

CLOSED SESSION REPORT

City Attorney Chris Jensen conducted the open session report. City Attorney Jensen announced that the City has reached an agreement with the California Department of Tax and Fee Administration (CDTFA) resolving a dispute regarding the allocation of sales and use tax in the City. That settlement was approved by the City Council by a unanimous vote (5-0) on February 21, 2024, in which they authorized the City Attorney to negotiate and execute a settlement agreement. The settlement itself is confidential, but Agenda Item 8 is asking the City Council to uncommit \$74.5 million in reserves that were set aside for sales tax repayment funds.

CEREMONIAL ITEMS – None

PRESENTATIONS

1. Subject: Annual Report of the Planning Commission
Recommended Action: Receive report of annual activities of the Planning Commission

Written communications for this item included a presentation.

Planning Commission Chair David Fung gave a presentation.

Councilmembers asked questions and made comments.

Council received the report of annual activities of the Planning Commission.

2. Subject: Annual Report of the Sustainability Commission

Recommended Action: Receive report of annual activities of the Sustainability Commission

Written communications for this item included a presentation.

Sustainability Commission Chair Sonali Padgaonkar gave a presentation.

Councilmembers asked questions and made comments.

Council received the report of annual activities of the Sustainability Commission.

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Written communications for this item included emails forwarded by Councilmembers.

The following members of the public spoke:

Dennis Whittaker (representing Cupertino Veterans Memorial Foundation and American Legion Post 642) discussed the upcoming Veterans Memorial and the Wreaths Across America events.

Ying Susic discussed the proposed Vista Heights and Evulich Court development projects.

Jennifer Griffin discussed loss of retail space and three proposed Senate Bill (SB) 330 projects along Stevens Creek Boulevard.

Peggy Griffin discussed election and voting information.

Jean Bedord discussed a candidate running for Cupertino City Council.

Lisa Warren discussed the monthly Chai and Chat events for community members.

Louise Saadati discussed various topics including economic development, Councilmembers, governance, and City outreach.

Parks and Recreation Commissioner Claudio Bono (representing self) discussed a City Councilmember.

R Wang discussed various topics including community representation, governance, City finances and infrastructure; and political signs.

San R discussed various topics including community representation, Council candidates and councilmembers, and proposed City projects.

Vikram Saxena discussed political signs and a candidate running for Cupertino City Council.

Sashi Begur discussed a candidate running for Cupertino City Council, Council meeting procedures, and political signs.

Ava Chiao discussed the Cupertino Union School District (CUSD) Measure Z School Bond Measure.

Rhoda Fry discussed loss of retail space, a candidate running for Cupertino City Council, a City lawsuit, and economic development.

Planning Commissioner Seema Lindskog (representing self) discussed a candidate running for Cupertino City Council.

Tracy K discussed a candidate running for Cupertino City Council.

CONSENT CALENDAR (Items 3-5)

Mayor Mohan opened the public comment period and the following members of the public spoke.

Peggy Griffin (Item 4)

Mayor Mohan closed the public comment period.

MOTION: Fruen moved and Moore 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.

3. Subject: Approve the October 1, 2024 City Council minutes

Recommended Action: Approve the October 1, 2024 City Council minutes

4. Subject: Ratifying Accounts Payable for the periods ending September 6, 2024;

September 13, 2024; September 20, 2024; and September 27, 2024

Recommended Action: A. Adopt Resolution No. 24-095 ratifying Accounts Payable for the Period ending September 6, 2024;

B. Adopt Resolution No. 24-096 ratifying Accounts Payable for the Period ending September 13, 2024;

C. Adopt Resolution No. 24-097 ratifying Accounts Payable for the Period ending September 20, 2024; and

D. Adopt Resolution No. 24-098 ratifying Accounts Payable for the Period ending September 27, 2024

5. Subject: Adoption of amendments to Municipal Code Chapters 19.04 (General Provisions), 19.08 (Definitions), and 19.60 (General Commercial (CG) Zones) and Associated Environmental Review. (Application No. MCA-2024-002; Applicant: City of Cupertino; Location: City-wide)

Recommended Action: Conduct the second reading and enact Ordinance No. 24-2266: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO AMEND MUNICIPAL CODE CHAPTERS 19.04 (GENERAL PROVISIONS), 19.08 (DEFINITIONS), AND 19.60 (GENERAL COMMERCIAL (CG) ZONES)"

PUBLIC HEARINGS – None

STUDY SESSION

6. Subject: Study Session on Unhoused Services and Programs

Recommended Action: Staff recommend the City Council to consider the following options:

1. Continue the current model based on the City's Unhoused Task Force, Process for Assisting Unhoused Residents, and partnerships with the County of Santa Clara to measurably serve the City based on the relative needs of existing unhoused residents, including continuing to seek partnerships and possible grant opportunities; or

2. Direct the City Manager to propose an item for the Fiscal Year 2025-2027 City Work Program to develop an encampment management policy by evaluating examples from other jurisdictions in the Bay Area and incorporating best practices for review by the City Council.

Presenter: Tom Chin, Emergency Manager

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

Interim City Manager Tina Kapoor introduced the item.

Emergency Manager Tom Chin and KJ Kaminski, Acting Director for the County of Santa Clara Office of Supportive Housing (OSH), gave presentations.

Councilmembers asked questions and made comments.

At 8:50 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 9:00 p.m. with all Councilmembers present.

Mayor Mohan opened the public comment period and the following members of the public spoke.

Jennifer Griffin

Deborah Feng, representing the Cupertino Chamber of Commerce

Parks and Recreation Commissioner Claudio Bono (representing self)

Darcy

Belinda Hantout

Cassandra Magana, representing West Valley Community Services

San R

Venkat Ranganathan

Lisa

Mayor Mohan closed the public comment period.

MOTION: Chao moved and Moore seconded the recommended action Option 1, as amended, to continue the current model based on the City's Unhoused Task Force, Process for Assisting Unhoused Residents, and partnerships with the County of Santa Clara to measurably serve the City based on the relative needs of existing unhoused residents, including continuing to seek partnerships and possible grant opportunities;

Amendment:

And to agendize a study session to provide a status update in one year (October 2025), including RVs, and provide a summary of policies and best practices adopted by other jurisdictions and their effectiveness; for the Council to consider whether Option 2 (developing an encampment management policy by evaluating examples from other jurisdictions in the Bay Area) is necessary, or consider other options at that time.

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

ACTION CALENDAR

7. Subject: Amendments to Cupertino Municipal Code Chapter 2.32 (Planning
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Commission), Chapter 2.74 (Technology, Information, and Communications Commission), Chapter 2.86 (Housing Commission), Chapter 11.08 (Bicycles), and Chapter 13.04 (Parks), and repeal of Municipal Code Chapter 15.04 (Waterworks System - Rates and Charges).

Recommended Action: Conduct the first reading of and introduce Ordinance No. 24-2267: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO REPEALING MUNICIPAL CODE CHAPTER 15.04 AND AMENDING MUNICIPAL CODE CHAPTERS 2.32, 2,74, 2.86, 11.08, AND 13.04."

Presenter: Christopher Jensen, City Attorney

Written communications for this item included a presentation, a supplemental report with staff responses to councilmember questions, and Attachment C – Map of Area Proposed for Exemption under Section 11.08.180.

City Attorney Chris Jensen gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public comment period and the following members of the public spoke.

Jennifer Griffin

Peggy Griffin

Lloyd McKee

Lisa

Parks and Recreation Commissioner Jennifer Shearin (representing self)

San R

Mayor Mohan closed the public comment period.

MOTION: Chao moved and Fruen seconded the recommended action, as amended by the supplemental report and by Councilmember Chao, to conduct the first reading of and introduce Ordinance No. 24-2267: "An Ordinance of the City Council of the City of Cupertino Repealing Municipal Code Chapter 15.04 and Amending Municipal Code Chapters 2.32, 2,74, 2.86, 11.08, and 13.04."

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

8. Subject: Unassign funds from the Committed Sales Tax Repayment Reserve
Recommended Action: Approve an amendment to the City's Committed, Unassigned Fund Balance, and Use of One Time Funds Policy to uncommit \$74.5 million dollars

from the Sales Tax Repayment Reserve, resulting in those funds becoming unassigned fund balance

Presenter: Kristina Alfaro, Director of Administrative Services

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

Director of Administrative Services Kristina Alfaro gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public comment period and the following members of the public spoke.

Jennifer Griffin

Peggy Griffin

Rod Sinks

San R

Mayor Mohan closed the public comment period.

MOTION: Moore moved and Chao seconded to form an economic uncertainty reserve no. 2. Council did not vote on this motion.

SUBSTITUTE MOTION: Fruen moved and Wei seconded to adopt the staff recommended action to approve an amendment to the City's Committed, Unassigned Fund Balance, and Use of One Time Funds Policy to uncommit \$74.5 million dollars from the Sales Tax Repayment Reserve, resulting in those funds becoming unassigned fund balance.

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

ADJOURNMENT

At 10:55 p.m., Mayor Mohan adjourned the Regular City Council Meeting per rule. There was no Council discussion on the remaining agenda items.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None

CITY MANAGER REPORT

Council did not hear this item.

ORAL COMMUNICATIONS - CONTINUED – None

COUNCILMEMBER REPORTS

9. 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.

Minutes prepared by:

Kirsten Squarcia, City Clerk