



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Tuesday, October 1, 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 and Kitty Moore. Absent: Councilmember Hung Wei.

**CLOSED SESSION REPORT** – None

**CEREMONIAL ITEMS**

1. Subject: Recognition of 2nd week of October as Code Enforcement Officer Appreciation Week  
Recommended Action: Recognize 2nd week of October as Code Enforcement Officer Appreciation Week

Mayor Mohan recognized the 2nd week of October as Code Enforcement Officer Appreciation Week.

**PRESENTATIONS**

2. Subject: Annual Report of the Parks and Recreation Commission  
Recommended Action: Receive report of annual activities of the Parks and Recreation Commission

Written communications for this item included a presentation.

Council received the report of annual activities of the Parks and Recreation Commission.

3. Subject: Annual Report of the Teen Commission  
Recommended Action: Receive report of annual activities of the Teen Commission

Written communications for this item included a presentation.

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

4. Subject: Annual Report of the Public Safety Commission  
Recommended Action: Receive report of annual activities of the Public Safety Commission

Written communications for this item included a presentation.

Council received the report of annual activities of the Public Safety Commission.

#### **POSTPONEMENTS AND ORDERS OF THE DAY – None**

#### **ORAL COMMUNICATIONS**

The following members of the public spoke:

Jennifer Griffin discussed three potential Senate Bill (SB) 330 projects on Stevens Creek Boulevard.

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

Peggy Griffin discussed the written communication policy.

Lisa Warren discussed the written communication policy and consultant agreements.

Veronica Lentfer discussed the proposed Evulich Court development and Housing Element.

Helena Cohen discussed the proposed Vista Heights and Evulich Court development projects.

Rhoda Fry discussed Councilmember meeting attendance, the Byrne property, City Hall project, BMR fund, and hotel and sales tax revenues.

Louise Saadati discussed Councilmember health concerns, the proposed Vista Heights and Evulich Court developments, Builder's Remedy, and Housing Element.

Parks and Recreation Commissioner Claudio Bono (representing self) discussed the Housing Element and Builder's Remedy.

Tracy Kosolcharoen discussed the proposed Evulich Court development and City Hall project.

David Yan discussed the proposed Evulich Court and Vista Heights development projects.

Chao requested an informational memo regarding the loss of sales tax from three pending SB 330 projects (Pizza Hut, United Furniture, and Panera sites) being rezoned from commercial property to residential.

Chao requested an informational memo regarding the guidelines for councilmembers being absent from city council meetings for 60 days.

Chao and Moore added a future agenda item for a study session on the SB 330 preapplication process, zoning and downzoning, amending housing element sites.

### **CONSENT CALENDAR (Items 5-10)**

Item 9 was removed from the Consent Calendar by Councilmember Chao.

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

Jennifer Griffin (Item 10)

Lloyd McKee (Item 7)

Cupertino Resident (Item 7)

San R (Items 5 and 7)

Mayor Mohan closed the public comment period.

MOTION: Fruen moved and Chao seconded to approve the items on the Consent Calendar except as indicated. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, and Moore. Noes: None. Abstain: None. Absent: Wei.

MOTION: Fruen moved and Moore seconded to move Item 9 to be heard before the public hearing. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, and Moore. Noes: None. Abstain: None. Absent: Wei.

Item 9 was placed before Public Hearings.

5. Subject: Second reading of Ordinance No. 24-2263 "An Ordinance of the City Council of the City of Cupertino amending Table 11.24.150 of the Cupertino Municipal Code Relating to Prohibition of Parking along certain streets," prohibiting parking along the west side of Vista Dive between Forest Avenue and Merritt Drive. (Continued from

September 17, 2024)

Recommended Action: Conduct the second reading and enact Ordinance 24-2263, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING TABLE 11.24.150 OF THE CUPERTINO MUNICIPAL CODE RELATING TO PROHIBITION OF PARKING ALONG CERTAIN STREETS."

[Note: First Reading Agenda Item: Implementation of an on-street two-way Class IV bike lane on Vista Drive and Forest Avenue (Alternative 3) along the Lawson Middle School frontage and prohibition of parking along the west side of Vista Dive between Forest Avenue and Merritt Drive for the accommodation of Class IV bicycle lanes and adoption of an Ordinance Municipal Code Table 11.24.150, relating to prohibition of parking along certain streets.]

6. Subject: Approve the September 17, 2024 City Council minutes  
Recommended Action: Approve the September 17, 2024 City Council minutes
  
7. Subject: Second reading of Ordinance No. 24-2264, designating a Residential Permit Parking (RPP) Zone on the north side of Laretta Drive between Ann Arbor Avenue to 200 feet east of Ann Arbor Avenue, the south side of Laretta Drive between Ann Arbor Avenue and a point 150 feet east of Ann Arbor Avenue, and on Ann Arbor Avenue between Laretta Drive and Hazelbrook Drive, daily between 7 a.m. and 10 p.m.  
Recommended Action: Conduct the second reading and enact Ordinance No. 24-2264, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CITY CODE SECTION 11.27.145, DESIGNATION OF PREFERENTIAL PARKING ZONES, TO ADD LAURETTA DRIVE BETWEEN ANN ARBOR AVENUE AND A POINT 200 FEET EAST OF ANN ARBOR AVENUE, (NORTH SIDE), LAURETTA AVENUE BETWEEN ANN ARBOR AVENUE AND A POINT 150 FEET EAST OF ANN ARBOR AVENUE (SOUTH SIDE)AND ANN ARBOR AVE BETWEEN LAURETTA DRIVE AND HAZELBROOK DRIVE (DAILY, 7:00 A.M. TO 10:00 P.M.)"

Written communications for this item included emails to Council.

8. Subject: Adoption of local amendments to the California Energy Code and repeal of Municipal Code Chapter 16.32 (Local Sustainability Requirements for Newly Adopted Buildings)  
Recommended Action: Conduct the second reading and enact Ordinance No. 24-2265, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO REPEALING MUNICIPAL CODE CHAPTER 16.32: LOCAL SUSTAINABILITY REQUIREMENTS FOR NEWLY CONSTRUCTED BUILDINGS, AND ADOPTING LOCAL AMENDMENTS TO CALIFORNIA ENERGY CODE"
  
10. Subject: Adoption of the 2023 Santa Clara County Multijurisdictional Hazard

Mitigation Plan Volume 1 Base Plan and Volume 2 City of Cupertino Annex  
Recommended Action: Adopt Resolution No. 24-093 adopting the 2023 Santa Clara County Multijurisdictional Hazard Mitigation Plan Volume 1 Base Plan and Volume 2 City of Cupertino Annex

## ITEMS REMOVED FROM THE CONSENT CALENDAR

9. Subject: Approve a design-build project delivery method for the Photovoltaic Systems Design and Installation Capital Improvement Program Project.  
Recommended Action: 1. Authorize the City Manager to undertake a design-build project delivery method for the Photovoltaic Systems Design and Installation Capital Improvement Program Project; and  
2. Adopt Resolution No. 24-092 approving the procurement of a design-build contract for the Photovoltaic Systems Design and Installation Capital Improvement Program Project.

Written communications for this item included a supplemental report with staff responses to councilmember questions.

This item was removed from the consent calendar for discussion.

Councilmembers asked questions and made comments.

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

San R  
Peggy Griffin  
Lisa Warren  
Jennifer Griffin

Mayor Mohan closed the public comment period.

Moore requested an informational memo regarding the City's current electricity bill costs, kilowatt hours usage, and the estimated usage of the proposed photovoltaic solar panels.

MOTION: Moore moved and Fruen seconded the recommended action to:

1. Authorize the City Manager to undertake a design-build project delivery method for the Photovoltaic Systems Design and Installation Capital Improvement Program Project; and
2. Adopt Resolution No. 24-092 approving the procurement of a design-build contract

for the Photovoltaic Systems Design and Installation Capital Improvement Program Project.

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

## PUBLIC HEARINGS

11. Subject: Proposed 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

That the City Council conduct the public hearing and conduct the first reading of Ordinance No. 24-2266 (Attachments A &B) adopt an ordinance to:

1. Find that the proposed actions are exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines; and
2. Amend the following:
  - a. Chapter 19.04, General Provisions, and
  - b. Chapter 19.08, Definitions, and
  - c. Chapter 19.60, General Commercial (CG) Zones.

Written communications for this item included a presentation and a supplemental report with staff responses to councilmember questions and new Attachment D.

Senior Planner Gian Martire gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public hearing and the following members of the public spoke.

Jennifer Griffin

Peggy Griffin

Planning Commissioner David Fung (representing the Planning Commission)

San R

Mayor Mohan closed the public hearing.

MOTION: Fruen moved and Mohan seconded the staff recommended action as amended to conduct the first reading of Ordinance No. 24-2266, adopt an ordinance to:

1. Find that the proposed actions are exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines; and

2. Amend the following:
  - a. Chapter 19.04, General Provisions, and
  - b. Chapter 19.08, Definitions, and
  - c. Chapter 19.60, General Commercial (CG) Zones.

Amendment:

Omit the deletion of the expression, “excluding convenience markets” from Table 19.60.030(1a).

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

At 9:04 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 9:14 p.m. with all Councilmembers present (Wei absent).

## **ACTION CALENDAR**

12. Subject: City-Owned Automated License Plate Reader (ALPR) Program and award of a contract for the lease of ALPR cameras to Flock Safety for an amount not to exceed \$300,000

Recommended Action: 1. Adopt Resolution No. 24-094 establishing the City of Cupertino ALPR Policy

- a. Authorize the City Manager to negotiate and execute a memorandum of understanding (MOU) between the County of Santa Clara and the City of Cupertino regarding the use of ALPRs,
- b. Authorize the City Manager to negotiate and approve an agreement with Flock Safety to lease ALPR cameras not to exceed \$185,000 for three years, with the option for two additional years and a maximum total compensation of \$300,000 (approximately \$60,000 annually)

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

Emergency Manager Tom Chin 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

Bicycle Pedestrian Commissioner Herve Marcy (representing self)

San R

Mayor Mohan closed the public comment period.

MOTION: Chao moved and Moore seconded the staff recommended action to:

1. Adopt Resolution No. 24-094 establishing the City of Cupertino ALPR Policy;
2. Authorize the City Manager to negotiate and execute a memorandum of understanding (MOU) between the County of Santa Clara and the City of Cupertino regarding the use of ALPRs; and
3. Authorize the City Manager to negotiate and approve an agreement with Flock Safety to lease ALPR cameras not to exceed \$185,000 for three years, with the option for two additional years and a maximum total compensation of \$300,000 (approximately \$60,000 annually).

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

## **CITY MANAGER REPORT**

City Manager Pamela Wu shared a video montage of photos featuring the Pooch Plunge and Bike Fest.

## **ORAL COMMUNICATIONS - CONTINUED – None**

## **COUNCILMEMBER REPORTS**

### **13. Subject: Councilmember Reports**

Councilmembers reported on their various committees and events as provided in the published agenda.

## **FUTURE AGENDA ITEMS**

As noted under Oral Communications, Chao and Moore added a future agenda item for a study session on the SB 330 preapplication process, zoning and downzoning, and amending housing element sites.

City Manager Pamela Wu summarized the following informational memos that were requested by Councilmembers:

- Property tax assessment on license plate readers relating to landscape and lighting districts from the City of Saratoga LLAD (Landscape and Lighting Assessment District) (Chao)
  - Cupertino parkland impact fees and pending projects (Chao)
  - City's current electricity bill costs and kilowatt hours usage, and how much estimated usage that the proposed photovoltaic solar panels will be generating (Moore)
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- Loss of retail sales tax from three pending Senate Bill (SB) 330 projects (Pizza Hut, United Furniture, and Panera sites) being rezoned from commercial property to residential (Chao)
- Guidelines for councilmembers being absent from city council meetings for 60 days (Chao)

## ADJOURNMENT

At 9:54 p.m., Mayor Mohan adjourned the Regular City Council Meeting.

Minutes prepared by:

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Kirsten Squarcia, City Clerk