



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, July 16, 2024

SPECIAL MEETING

At 5:00 p.m., Mayor Sheila Mohan called the Special City Council Meeting to order 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. Absent: none.

PUBLIC HEARINGS

1. Subject: Lease agreement with San Jose Water Company for the operation of the Cupertino Municipal Water System
Recommended Action: Adopt Resolution No. 24-071 authorizing the City Manager to execute a lease agreement with San Jose Water Company for the operation of the Cupertino Municipal Water System
Presenter: Jimmy Tan, Assistant Director of Public Works

Written communications for this item included a staff presentation.

Assistant Director of Public Works Jimmy Tan gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public hearing and the following people spoke.

San R

Mayor Mohan closed the public hearing.

MOTION: Moore moved and Fruen seconded to adopt Resolution No. 24-071

authorizing the City Manager to execute a lease agreement with San Jose Water Company for the operation of the Cupertino Municipal Water System. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

ADJOURNMENT

At 5:30 p.m., Mayor Mohan adjourned the Special City Council Meeting.

REGULAR MEETING

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. Absent: none.

CLOSED SESSION REPORT

City Attorney Chris Jensen conducted the open session report regarding the Special Meeting Closed Session held on June 19. City Attorney Jensen reported that the City Council voted unanimously to authorize the City to negotiate and execute a settlement agreement related to the impact fees for the Vallco Rise Development Project. The details of that agreement are described in the July 16 agenda packet with agenda Item 10. The Council will be discussing two fee waivers related to that settlement agreement when that item is heard.

CEREMONIAL ITEMS – None

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Written communications for this item included emails to Council.

The following members of the public spoke:

Tracy K discussed a development project application on Scofield Drive and acquisition of property at 19400 Stevens Creek.

Anita Chamraj discussed a development project application on Scofield Drive.

Rajiv Chamraj discussed a development project application on Scofield Drive.

Rusty Britt discussed a development project application on Scofield Drive.

Edward J. Britt discussed a development project application on Scofield Drive.

R. Jerry Lami, representing West Coast Farmers Markets, discussed the Farmers Market. (Submitted written comments).

Vivek Sagdeo discussed a development project application on Scofield Drive.

Dr. Anjali Sagdeo discussed a development project application on Scofield Drive.

Barbara Yang discussed a development project application on Scofield Drive.

Jennifer Griffin discussed a development project application on Scofield Drive and the Los Altos Housing Element.

Lisa Warren discussed bird safe and dark sky regulations. (Submitted written comments).

Toby Leavitt, representing San Francisco Shakespeare Festival, discussed Free Shakespeare in the Park.

Li Jiang discussed a development project application on Scofield Drive.

Gordon Lu discussed a development project application on Scofield Drive.

Mayshine Huang discussed a development project application on Scofield Drive.

Kevin Lu discussed a development project application on Scofield Drive.

Beverly Batson discussed homeless shelters and safety.

R Wang discussed community engagement and City Commission meeting schedules.

Sashi Begur discussed multi-unit housing and a development project application on Scofield Drive.

Rhoda Fry discussed a development project application on Scofield Drive, acquisition of property at 19400 Stevens Creek, and the Farmers Market.

Stephanie discussed an SB 330 development project application on Scofield Drive.

San R discussed homeless encampments and U.S. Supreme Court ruling: Grants Pass v. Johnson.

Kamyab Mashian discussed an SB 330 development project application on Scofield Drive.

Fruen requested an informational memorandum regarding an SB 330 preliminary housing development application on Scofield Drive.

Chao and Moore requested a future agenda item to consider the Farmers Market on Sundays as

a community amenity for Cupertino on either Torre Avenue or other locations in the City.

CONSENT CALENDAR (Items 1-9)

Item 1 was removed from the Consent Calendar by Councilmember Chao and Item 7 was removed by Councilmember Moore.

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

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

Items 1 and 7 were placed after the Action Calendar for consideration per rule.

2. Subject: Approve the Amended June 19, 2024 City Council minutes
Recommended Action: Approve the Amended June 19, 2024 City Council minutes
3. Subject: Approve the June 26, 2024 City Council minutes
Recommended Action: Approve the June 26, 2024 City Council minutes
4. Subject: Approve the June 27, 2024 City Council minutes
Recommended Action: Approve the June 27, 2024 City Council minutes
5. Subject: Approve the July 2, 2024 City Council minutes
Recommended Action: Approve the July 2, 2024 City Council minutes
6. Subject: Ratifying Accounts Payable for the periods ending June 7, 2024; June 14, 2024; June 21, 2024; and June 28, 2024
Recommended Action: A. Adopt Resolution No. 24-072 ratifying Accounts Payable for the period ending June 7, 2024;
B. Adopt Resolution No. 24-073 ratifying Accounts Payable for the period ending June 14, 2024;
C. Adopt Resolution No. 24-074 ratifying Accounts Payable for the period ending June 21, 2024; and
D. Adopt Resolution No. 24-075 ratifying Accounts Payable for the period ending June 28, 2024
8. Subject: Approve a Third Amendment with M-Group for planning services for an additional \$22,000 for a total not-to-exceed amount of \$221,200

Recommended Action: Authorize the City Manager to execute a Third Amendment with M-Group for \$22,000 in additional planning services delivered through June 30, 2024, for a total compensation amount of \$221,200

9. Subject: Annual Evaluation Report on the Federal Emergency Management Agency (FEMA) Community Rating System's (CRS) Program for Public Information
Recommended Action: Adopt Resolution No. 24-076 accepting the Annual Evaluation Report for Fiscal Year 2024 (Year 3) of the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information

PUBLIC HEARINGS – None

ACTION CALENDAR

10. Subject: Waiver of Below Market Rate Housing Mitigation Fees (“BMR Fees”) and Zoning/Planning Municipal Code Fees (“Planning Fees”) imposed on Vallco/Rise SB 35 project (10101-10330 North Wolfe Road)
Recommended Action: Adopt Resolution No. 24-077 waiving BMR and Planning Fees imposed on the Vallco/Rise SB 35 project
Presenter: Christopher Jensen, City Attorney

Written communications for this item included a staff presentation, a supplemental report with staff responses to councilmember questions, Amended Attachment C - Draft Resolution, and emails to Council.

City Attorney Christopher Jensen gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin

Jean Bedord

Reed Moulds, representing the Rise

Parks and Recreation Commissioner Claudio Bono (representing self)

Louise Saadati

Sandhana Siva

Philip Nguyen

Shivani Kavuluru

Glenn Fishler

Rhoda Fry

Kamyab Mashian
Lisa
Danessa Techmanski
San R
Gauri Chawla

Mayor Mohan closed the public comment period.

MOTION: Wei moved and Mohan seconded to adopt Resolution No. 24-077 waiving BMR and Planning Fees imposed on the Vallco/Rise SB 35 project. The motion carried with the following vote: Ayes: Mohan, Fruen, Moore, and Wei. Noes: Chao. Abstain: None. Absent: None.

At 9:08 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 9:19 pm. with all Councilmembers present.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Subject: Receive the FY 2022-23 Annual Comprehensive Financial Report (ACFR) (Continued from July 9, 2024)
Recommended Action: Receive the FY 2022-23 Annual Comprehensive Financial Report (ACFR)

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

Councilmembers asked questions and made comments.

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

Jean Bedord
Rhoda Fry
Shivani Kavuluru

Mayor Mohan closed the public comment period.

MOTION: Fruen moved and Chao seconded to receive the FY 2022-23 Annual Comprehensive Financial Report (ACFR). The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

7. Subject: Second reading of Municipal Code Amendments and Zoning Map

Amendments to ensure conformance with the Housing Element and related CEQA exemption. (Application No.: MCA-2023-001, Z-2024-001; Applicant: City of Cupertino; Location: Citywide)

Recommended Action: 1. Conduct the second reading and enact Ordinance No. 24-2261 “An Ordinance of the City Council of the City of Cupertino Amending Various Chapters in Title 14, Title 17 And Title 19, Including But Not limited to the Addition of Three New Chapters in Title 19, to Implement Policies in the General Plan and for Clarity” (Attachment A); and
2. Conduct the second reading and enact Ordinance No. 24-2262 “An Ordinance of the City Council of the City of Cupertino Rezoning Certain Sites in the City for Conformance with General Plan and Housing Element” (Attachment B) to reflect changes to Priority Housing Sites and other minor changes for internal consistency.

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

Councilmembers asked questions and made comments.

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

Jennifer Griffin

Parks and Recreation Commissioner Claudio Bono (representing self)

Louise Saadati

Sandhana Siva

Peggy Griffin (submitted written comments)

Rhoda Fry

Kamyab Mashian

Shivani Kavuluru

Glenn Fishler

Gauri Chawla

Mayor Mohan closed the public comment period.

MOTION: Wei moved and Chao seconded to:

1. Conduct the second reading and enact Ordinance No. 24-2261 “An Ordinance of the City Council of the City of Cupertino Amending Various Chapters in Title 14, Title 17 And Title 19, Including But Not limited to the Addition of Three New Chapters in Title 19, to Implement Policies in the General Plan and for Clarity”; and
2. Conduct the second reading and enact Ordinance No. 24-2262 “An Ordinance of the City Council of the City of Cupertino Rezoning Certain Sites in the City for Conformance with General Plan and Housing Element” to reflect changes to Priority

Housing Sites and other minor changes for internal consistency.

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

CITY MANAGER REPORT

City Manager Pamela Wu shared a video montage of photos featuring Summer Camps, the Summer Concert Series, and the 4th of July Celebration.

ORAL COMMUNICATIONS - CONTINUED - None

COUNCILMEMBER REPORTS

11. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

- Wei and Moore added an item to consider updating the City policy on homeless encampments in light of the U.S. Supreme Court ruling: *Grants Pass v. Johnson*.
- Chao and Moore added an item to consider a policy to provide access to documents made available for closed sessions ahead of time with proper security measures. Accordingly, Councilmembers can read the materials before and after a closed session.
- Moore and Chao added an item to consider the City Clerk being appointed by and reporting to the City Council.
- As noted under Oral Communications, Chao and Moore requested an item to consider the Farmers Market on Sundays as a community amenity for Cupertino on either Torre Avenue or other locations in the City.

ADJOURNMENT

At 10:35 p.m., Mayor Mohan adjourned the Regular City Council Meeting.

Minutes prepared by:

Kirsten Squarcia, City Clerk
