

CC 04-04-2023

Oral  
Communications

Written  
Communications

**From:** [Rhoda Fry](#)  
**To:** [City of Cupertino Audit Committee](#); [City Clerk](#); [City Council](#); [Cupertino City Manager's Office](#)  
**Subject:** Oral Communications City Council 4/4/2023 and today's audit committee  
**Date:** Monday, March 27, 2023 12:16:28 PM

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Dear City Clerk,

Please add Oral Communications City Council 4/4/2023 and today's audit committee

Thanks, Rhoda Fry

Requests for Audit Committee:

#### AGENDA ITEM #2

1. Make Crowe aware of California Department of Tax and Fee Administration (CDTFA) audit
2. The ACFR mentions that council appoints the treasurer, to my knowledge, this has not happened in at least 50 years. See 5<sup>th</sup> page of pdf report, first agenda item, first attachment.
3. On the ACFR, admin cost has more than doubled between 2021 and 2022, \$3637M to \$7293M. There is some explanation for some increases, but this does not explain entire increase. See 28<sup>th</sup> page of pdf report, first agenda item, first attachment. We need an explanation
4. Address all deficiencies listed and are there any past deficiencies that are yet to be resolved.

#### AGENDA #6 - WORK PLAN

1. Review monthly treasurer's report with corresponding accounts payable (not doing so creates risk)
2. Review monthly investment report (not doing so creates risk)
3. Chandler Asset company previously provide in-person monthly reports from Carlos Oblites, we need these back, especially given future uncertainties
4. Need updates on internal audit Moss Adams
5. Need updates for cdtfa audit; 2022 budget mentioned in twice last year that a major contributor to our sales tax base was being audited and this could cause uncertainty in our budget.
6. Enterprise Funds:
  - a) The Blackberry Farm enterprise fund needs to be changed to Blackberry Farm Golf, to ensure there is not confusion
  - b) The Senior Center previously had an enterprise fund and now it is gone. We need to get this transparency back. We also need an enterprise fund for Blackberry Farm pools/picnic
7. Need updates fraud/waste/abuse per municipal code

#### **2.88.100 Duties–Powers–Responsibilities.**

The powers and functions of the Audit Committee shall be as follows:

To review the annual audit report and management letter;

To recommend appointment of auditors;

To review the monthly Treasurer's report;

To recommend a budget format;

To review City investment policies and internal controls of such policies;

To recommend appointment of internal auditors;

To review internal audit reports;

To review quarterly Fraud, Waste, and Abuse Program reports

**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** April 4, 2024 City Council Non-Agenda Oral Communication - Fiscal Transparency and Accountability  
**Date:** Monday, April 3, 2023 7:02:47 PM

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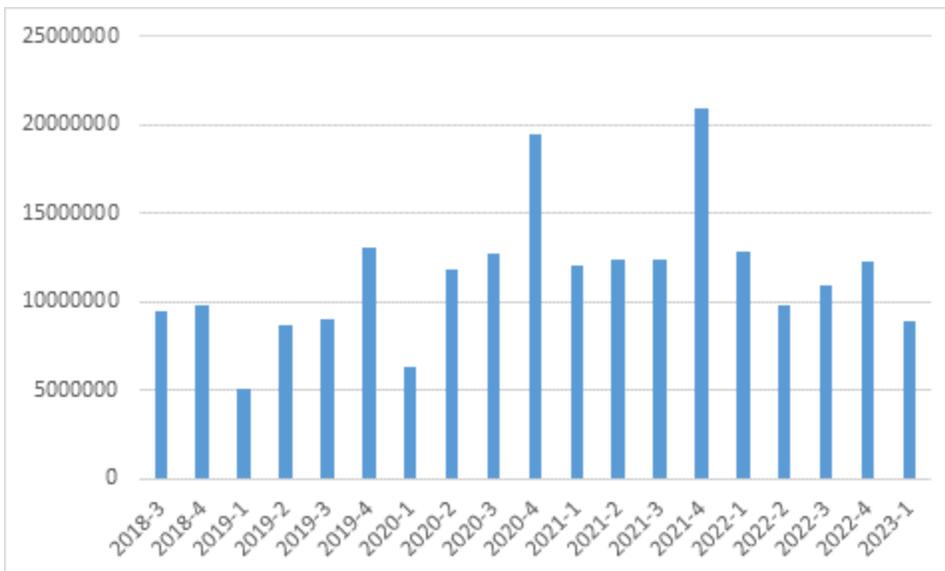
## Request for Fiscal Transparency and Accountability - Cupertino City Council Oral Communications April 4, 2022

Dear City Council,

On March 21, 2023 during oral communications, Cupertino resident Peggy Griffin shared her discovery that the City had received no sales (or use tax) income from the State in February 2023. This is alarming because in the previous 3 years, income for February averaged \$8M. It is also alarming because by February 21, it would have been known to the City that we had no money coming in; yet we, the public, have not been informed when there has been ample opportunity to do so during these Council meetings: 2/21, 3/1, 3/7, 3/21, and 4/4, and during these audit committee meetings: 2/27 and 3/27. Meanwhile, we have been making decisions about future expenditures, especially Capital Improvement Projects (CIP). Why weren't we informed?

Each month, the State deposits estimated sales tax (and use tax) income into our City's bank account. In the second month after the quarter ends, the State adjusts that deposit to reconcile the actual income from the previous quarter; this is called a true-up. Although the 2022 Q4 deposits were much lower than Q4 2021 and Q4 2020 (and somewhat lower than Q4 2019), the true-up reduced February's deposit to zero. And there will be further deductions in March (\$323K). We will know how we fared in Q1 on May 24.

Here is a chart that shows Cupertino sales and use tax revenue by quarter from Q3 2018 to Q1 2023. This data was extracted from <https://www.cdtfa.ca.gov/>



Cupertino receives sales (and use) tax revenue from transactions that originate within the City. Additionally, through a special revenue-sharing arrangement with Apple and Insight, Cupertino also receives sales tax revenue from all online purchases in our State and returns 35% of it to those companies. For example, if someone in Los Angeles buys \$1000 in Apple

products online, Cupertino receives \$10 (1%) from the State and kicks back \$3.50 (35%) of it to Apple. As residents and businesses equipped their home offices during COVID, our sales-tax revenue boomed. You can learn more about this arrangement in this article: <https://news.bloombergtax.com/daily-tax-report-state/apple-taps-covid-shopping-boom-for-record-tax-haul-in-hometown>

A Double Whammy: Our sales-tax income is at further risk due to an audit by the California Department of Tax and Fee Administration (CDTFA). Our first warning came around May 2022, and was mentioned in the June 29, 2022 budget [https://apps.cupertino.org/pdf/FY\\_2022-23\\_Adopted\\_Budget.pdf](https://apps.cupertino.org/pdf/FY_2022-23_Adopted_Budget.pdf) and the November 15 2022 budget: *Due to the uncertainty around a California Department of Tax and Fee Administration (CDTFA) sales tax audit of one of the City's taxpayers, City staff is not recommending any transfers to reserves currently. The impact of this audit is unknown but has the potential to significantly affect the City's sales tax revenues. Staff anticipates bringing recommendations on the use of fund balance to the City Council at mid-year in March 2023 once more information regarding the sales tax audit is available.* <https://www.cupertino.org/home/showpublisheddocument/32377/638041943093670000>

Long story short, it looks like we might need to re-evaluate our spending habits. At the same time, we need to secure the pensions of City employees as has been highlighted by the State auditor: [https://www.auditor.ca.gov/local\\_high\\_risk/dashboard-csa.html](https://www.auditor.ca.gov/local_high_risk/dashboard-csa.html)

Separately, at the March 27 Audit Committee meeting, I raised other concerns about the budget.

**Can the City Council request more information on the following?**

1. Please correct the multiple factual errors in the Annual Comprehensive Financial Report (ACFR). For example, the ACFR mentions that council appoints the treasurer, to my knowledge, this has not happened in at least 50 years. Information on development within the City is also woefully out of date.
2. The ACFR indicates that admin cost has more than doubled between 2021 and 2022. There is some explanation for some increases, but this does not explain entire increase. We need an explanation.
3. In the past, we had fiscal transparency of City programs that ran like businesses, such as the Senior Center and Blackberry Farm pool/picnics. These were tracked in "Enterprise Funds" which provide a separate accounting and reporting mechanism for fee-based programs. We have no idea as to the extent that these fee-based amenities are being subsidized. To avoid confusion, the golf course is tracked in an Enterprise Fund called Blackberry Farm; the name should be changed to Blackberry Farm golf. Especially because of Cupertino's economic uncertainties, we need more transparency.

First and foremost, I am asking you to provide greater transparency and accountability to our community. Second, if needed, consider deferring Capital Improvement Programs and reducing grants in order to preserve our summer community events. And finally, consider adopting partnerships with local businesses and community members to assist in funding our community events.

Thank You,

Rhoda Fry

<https://news.bloombergtax.com/daily-tax-report-state/apple-taps-covid-shopping-boom-for-record-tax-haul-in-hometown>

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Rhoda Fry

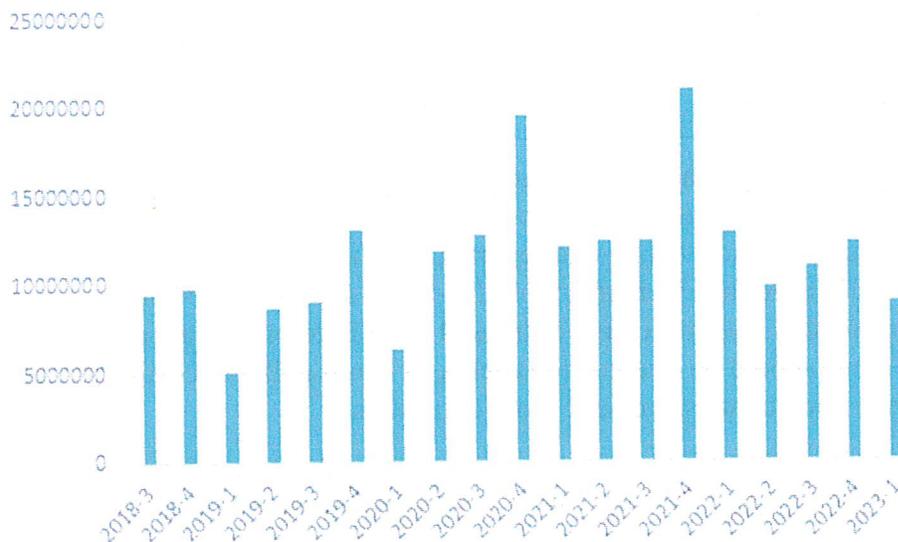
Request for Fiscal Transparency and Accountability - Cupertino City Council Oral Communications April 4, 2022

Dear City Council,

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CC 04-04-2023

Item No. 3

Presentation from  
Assemblyman Evan Low's  
Office regarding Assembly  
Constitutional Amendment 5:  
Relating to Marriage

Written Communications



OFFICE OF ASSEMBLYMEMBER  
**Evan Low**

TWENTY-SIXTH ASSEMBLY DISTRICT

**Assembly Constitutional Amendment 5: Relating to Marriage**

**SUMMARY**

Assembly Constitutional Amendment (ACA) 5 expresses the intent of the Legislature to amend the state Constitution relating to marriage equality.

**BACKGROUND**

In November 2008, 52 percent of Californians voted in favor of Proposition 8, which amended the state constitution to state “only marriage between a man and a woman is valid or recognized in California.”

In August 2010, Chief U.S. District Judge Vaughn Walker ruled that Proposition 8 was unconstitutional under the due process and equal protection clauses of the Fourteenth Amendment to the U.S. Constitution. In February 2012, the U.S. Ninth Circuit Court of Appeals continued to uphold both of the federal judges’ rulings, and finally the case was taken to the U.S. Supreme Court. On June 26, 2013, the Supreme Court ruled that the appellants in Proposition 8 did not have standing to bring the case, effectively nullifying the amendment.

On June 26, 2015, the U.S. Supreme Court ruled, in *Obergefell v. Hodges*, that state bans on same-sex marriage, as well as bans on recognizing same-sex marriages performed in other jurisdictions, were unconstitutional. The Court’s 5-4 ruling cited the due process and equal protection clauses of the Fourteenth Amendment to the U.S. Constitution. The decision resulted in marriage equality at the federal level.

**PROBLEM**

Last year, the U.S. Supreme Court published its decision in the case *Dobbs v. Jackson Women’s Health Organization*, which overturned the Court’s previous rulings in *Roe v. Wade* and *Casey v. Planned*

*Parenthood of Pennsylvania*. Justice Clarence Thomas alluded to the decision’s potential implications for marriage as well, stating in his concurrence to the decision, that the Court “should reconsider all of [its] substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*. Because any substantive due process decision is ‘demonstrably erroneous,’ we have a duty to ‘correct the error’ established in those precedents...”

If the Supreme Court rules to overturn the precedents set in *Obergefell v. Hodges*, same-sex marriage could potentially be put at risk in the state of California. While *Hollingsworth v. Perry* nullified the section of the California Constitution stating marriage to be only valid and recognized when between man and woman, that section of the Constitution still remains and could be re-applied should the Supreme Court revisit and reverse its previous ruling.

**SOLUTION**

ACA 5 would express the intent of the Legislature to amend the Constitution of the State relating to marriage equality. As a leader on LGBTQ+ rights and inclusivity for the rest of the country, it is California’s duty to ensure that the tens of thousands of LGBTQ+ Californians who are married are protected and that the right to marry remains available to all Californians, regardless of their sexual orientation or gender identity.

CC 4/4/23

CAPITOL OFFICE  
1021 O Street, Suite 6110  
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(916) 319-2026  
Fax (916) 319-2126



DISTRICT OFFICE  
20111 Stevens Creek Blvd, Suite 220  
Cupertino, CA 95014  
(408) 446-2810  
Fax (408) 446-2815

WEBSITE  
<http://asmdc.org/members/a26/>

E-MAIL  
[Assemblymember.Low@assembly.ca.gov](mailto:Assemblymember.Low@assembly.ca.gov)

## OFFICE OF ASSEMBLYMEMBER

**Evan Low**

TWENTY-SIXTH ASSEMBLY DISTRICT

### Assembly Bill 1064: Hate Crimes

#### SUMMARY

Assembly Bill (AB) protects victims of hate crimes.

#### BACKGROUND

Current law defines “hate crimes” as any criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- a. disability
- b. gender
- c. nationality
- d. race or ethnicity
- e. religion
- f. sexual orientation
- g. association with a person or group with one or more of these actual or perceived characteristics.<sup>1</sup>

Under California law, hate crimes can be charged as misdemeanors or felonies. Hate crimes prosecuted as a misdemeanor are punishable by up to one year in county jail and/or a fine of up to \$5,000. If a person is facing a felony hate crime charge, then they will receive an enhanced penalty onto the sentence attached to the felony conviction. This enhancement could add an additional three years of prison time to a person’s sentence.

#### PROBLEM

Hate crimes are on the rise in California. According to the Attorney General’s *2021 Hate Crime in California Report*, overall hate crime increased 32.6% from 1,330 in 2020 to 1,763 in 2021. Reported hate crimes targeting Black people remain the most prevalent and increased 12.5% from 456 in 2020 to 513 in 2021, while reported anti-Asian hate crime events once again increased dramatically, rising 177.5% from 2020 to 2021, and reported hate crimes involving a

sexual orientation bias also increased significantly, rising 47.8% from 2020 to 2021.

Since the start of the COVID-19 pandemic, AAPI community members continue to experience hate at alarming levels. Stop AAPI Hate reporting center has received 11,467 reported incidents of anti-Asian attacks and discrimination. Almost 48% of these incidents occurred here in California, and around 40% of the incidents took place in public spaces such as streets, sidewalks, roads, and parks.

While current law is solid when it comes to prosecutions of people who clearly state their intent to target an individual of a protected class, it is weak when it comes to the more common situation of an individual deliberately targeting individuals from a protected class. Recently, in Santa Clara County, there was a case where an individual targeted visibly traditional Southeast Asian women for violent robberies over and over, but current law makes it hard to hold him accountable except for a traditional robbery.

#### SOLUTION

AB 1064 clarifies bias motivation to address the purposeful targeting of victims due to bias motivations. Specifically, this bill amends the definition of hate crimes to include similar language from current law regarding training on bias crimes for law enforcement.<sup>2</sup>

#### SUPPORT

The Arc  
United Cerebral Palsy California Collaboration  
California District Attorneys Association

<sup>1</sup> California Penal Code §422.55 (a)

<sup>2</sup> California Penal Code §422.87

CC 04-04-2023

Item No. 4

Consider staff reports and attachments provided June 21, 2022 and March 3, 2023 regarding Chamber of Commerce

Written Communications

**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** April 4, 2023 Agenda Item #4 City's massive subsidies of the Chamber of Commerce  
**Date:** Monday, April 3, 2023 11:29:08 AM

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April 4, 2023 Agenda Item #4

Dear City Council,

Please discuss our **City's subsidies of the Chamber of Commerce** on April 4, 2023 Agenda Item #4. Presently, this item is listed as a Consent Calendar item, meaning that there is no intent for discussion. (see link <https://cupertino.legistar.com/LegislationDetail.aspx?ID=6106862&GUID=B266645B-FA26-41E9-A35E-DD842C1DABF9>).

Last year, Councilmember Kitty Moore inquired about unusual payments to the Chamber on a line item in the Accounts Payable ledger on the Consent Calendar. In response, staff created a comprehensive report for the May 3, 2022 City Council meeting item #26 where we learned that the Chamber received money and services without Council's explicit consent. We have yet to have a meaningful discussion on how our tax dollars have funded the Chamber in the past and how they should be allocated in the future. This is especially important now as our City enters economic uncertainty around our tax revenues, first from an unexpected shortfall in Q4, which has yet to be discussed at City Council and second, from an anticipated shortfall that was predicted last June.

**\$65K Wasted:** Unbeknownst to our City Council, around 2019, City Staff paid the Chamber to build a website that was to promote economic development. We were left with a shell of a website that directed visitors to the Chamber's short-list of member businesses, many of which are located outside of Cupertino. Thankfully, Council put an end to it.

**Over \$200K and Counting:** Since 2015, our City has given money to the Chamber and offered free use of City facilities and services, while others pay. Is this fair? Is this appropriate? Is it time for a change?

**Good Deeds:** The Chamber does various good deeds for non-member businesses and residents. It hosts interesting Legislative Action Committee meetings and runs entertaining events (that raise funds for the Chamber). Is it appropriate for the Chamber to generate income from the free-use of our City facilities and services? Although there is some alignment between the goals of the Chamber and those of the City, it is far from a perfect match.

**Conflicts of Interest:** The Chamber exists in order to influence local government on behalf of its dues-paying business members. To this end, the Chamber has endorsed political candidates and funded their campaigns; essentially, our tax dollars have been funding City Council election campaigns. The Chamber has also been a long-time advocate for one of California's worst polluters, the Lehigh Permanente Quarry and Cement plant. And the Chamber is more likely to support contracts that are in the best interests of their member companies, such as for water and garbage-collection, than for what is best for our residents. Although our City is home to over 2400 licensed businesses, the Chamber has fewer than a tenth of those as members. Because these types of conflicts arise, many cities are modifying their relationships

with their local Chambers. Our City government represents the interests of the voters. Did the voters ask you, our elected City Council, to give money to a business organization whose very purpose is to influence government decisions on behalf of its business members? This discussion, which was promised last year, is overdue.

For the sake of good governance, I beg our Council to determine how we should spend our tax dollars on the Chamber and other organizations. How much money should we give away, if any? One church received \$2700 in waived fees for an egg hunt; what happens when more churches want funding? Are our allocations to sister and friendship cities equitable and so on? For fiscal year 2022/2023, we're looking at nearly \$300K in subsidies and that's not including free room rentals (see <https://www.cupertino.org/our-city/departments/finance/non-profit-support-opportunities>). If we can trim our subsidies now, we will be able to prevent other programs from being cut.

Sincerely,  
Rhoda Fry

CC 04-04-2023

Item No. 5

Consider authorizing execution  
of a Maintenance Services  
Contract for City-owned  
orchards

Written Communications

**From:** [EAC Chair](#)  
**To:** [City Council](#)  
**Cc:** [Cupertino City Manager's Office](#); [City Clerk](#); [Shani Kleinhaus](#); [Connie Cunningham](#)  
**Subject:** Re: Public Comment: Item 5 – Consider authorizing execution of a Maintenance Services Contract for City-owned orchards  
**Date:** Tuesday, April 4, 2023 8:19:59 AM  
**Attachments:** [Item 5 – SCVAS public comment April4.pdf](#)

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Dear Mayor Wei and Councilmembers,

We would like to propose edits to the Maintenance Services Contract for City-owned orchards as listed in Item 5 of the Consent Calendar in order to add wildlife and creek protections. We sent a letter prior to the last City Council meeting, and we are including a revised letter (see attached), which includes the suggested language that should be added to the contract, which we had submitted last time, and a request for clarification on the current and future use of pesticides in the orchards. The language is taken from the Blackberry Farm Golf Course Maintenance Services Contract that was revised last October with edits appropriate for City-owned orchards, so this should be familiar to you and City Staff already. We will speak to this item during the City Council meeting should it be pulled from the Consent Calendar.

Regards,

Annie Yang

**Annie Yang**  
Environmental Action Committee Chair  
Santa Clara Valley Audubon Society  
22221 McClellan Rd  
Cupertino, CA 95014  
[eac@scvas.org](mailto:eac@scvas.org)

On Tue, Mar 21, 2023 at 5:14 PM EAC Chair <[eac@scvas.org](mailto:eac@scvas.org)> wrote:

Dear Mayor Wei and Councilmembers,

We would like to propose edits to the Maintenance Services Contract for City-owned orchards as listed in Item 5 of the Consent Calendar in order to add wildlife and creek protections. We will speak to this item during the City Council meeting should it be pulled from the Consent Calendar. We are attaching the suggested language that should be added to the contract in this email (see PDF). This is language taken from the Blackberry Farm Golf Course Maintenance Services Contract that was revised last October with edits appropriate for City-owned orchards, so this should be familiar to you and City Staff already.

Regards,

Annie Yang

Environmental Action Committee Chair

Santa Clara Valley Audubon Society  
22221 McClellan Rd  
Cupertino, CA 95014  
[eac@scvas.org](mailto:eac@scvas.org)



April 3, 2023

RE: Item 5 – Consider authorizing execution of a Maintenance Services Contract for City-owned orchards

Dear Mayor Wei and Councilmembers,

We would like to propose edits to the Maintenance Services Contract for City-owned orchards as listed in Item 5 of the Consent Calendar. The draft contract lacks wildlife and creek protections, such as those in the Blackberry Farm Golf Course Maintenance Services Contract. As you may remember, the initial version of the current Blackberry Farm Golf Course Maintenance Services Contract did not include wildlife and creek protections, which we pointed out last October. The City subsequently and promptly added that language into the contract, and we appreciate the City doing that so swiftly. Many wildlife protections in the Blackberry Farm Golf Course Maintenance Services Contract, such as those protecting birds during the nesting season, apply to City-owned orchards. Therefore, much of the same language should be added to the Maintenance Services Contract for City-owned orchards.

Additionally, we have questions regarding the use of pesticides in the orchards. The current draft contract states, “No pesticides may be used for weed control in the Orchard” (p. 14). Does this mean that no herbicides are used for any purpose in the orchard? We hope that this is the case. We also hope that the City is currently minimizing or eliminating the use of all types of pesticides, such as insecticides, on the fruit trees and will direct the contractor to do the same.

Below is the language taken from the Blackberry Farm Golf Course Maintenance Services Contract, with appropriate edits in red, for your consideration to be added to the Maintenance Services Contract for City-owned orchards.

#### WILDLIFE CONSIDERATIONS

Contractor is to note that a number of federally- and state-protected wildlife species inhabit the Stevens Creek corridor ~~and portions of the golf course~~. Among the species are steelhead fish, turtles, woodrats, various birds of prey such as hawks, owls and white-tailed kites, and various migratory birds and songbirds. These animals and their habitat are protected by various federal and state regulations. Those regulations affect activities that could affect wildlife directly or indirectly, including actions on the golf course that could affect the creek and its water quality. Such actions include fertilizer use, pesticide use, irrigation practices, ~~operation of the golf course ponds~~, vehicle washing, and other procedures.

Contractor shall meet with City staff and representatives annually to review maintenance activities relative to these considerations. Contractor is encouraged [to] meet with City representatives more frequently as needed to ensure compliance. Further considerations are noted below.

## NESTING BIRDS

Contractor shall be aware of nesting birds on trees ~~within the golf course [in the orchard]~~. If tree trimming or removal is required during the nesting period, the Contractor shall conduct a survey for nesting birds ~~on the entire golf course~~ prior to performing the work.

## TERRESTRIAL WILDLIFE

VEGETATION TRIMMING AND REMOVAL: No ~~vegetation along the creek edge or any trees in any location on the golf course~~ shall be trimmed or removed from February 1 to August 31, unless it has been reviewed for presence of nests and protected wildlife by a biologist or qualified professional or the City Naturalist.

TREE REMOVAL: Certain trees are protected by City ordinance. No tree shall be removed or significantly pruned without advance approval by the City representative.

BIRD BREEDING SEASON: Breeding season for raptors, birds of prey such as hawks and owls, is normally from February 1 to August 31, with highest activity usually from early or mid March onward. Most such birds and their nests and breeding are protected by law. Routine ~~golf course operations [orchard maintenance]~~ may proceed during breeding season. However, during this time contractor shall endeavor to reduce disturbing activities, such as loud noises or vibration, within 250 feet of a raptor nest site and within 400 feet of a white-tailed kite nest site. Songbird nests are generally protected within a 100 foot radius.

RODENTICIDE USE: Use of any and all rodenticides [to poison squirrels, gophers, mice, rats] or chemicals is banned, unless authorized in advance in writing by the City.

EMISSIONS: Contractor is to minimize the use of exhaust- and emission-producing equipment to the extent compatible with performance of the work. Contractor shall favor the use of equipment powered by electrical, batteries or hand rather than diesel, gas or oil, as feasible.

## WILDLIFE REPORTING:

Contractor shall report any observations of the following to the City representative within 1 working day:

- active raptor nests
- turtles
- woodrats [potentially San Francisco dusky-footed woodrat]
- frogs (potentially California red-legged frog) salamanders [potentially California tiger salamander]
- other potentially protected wildlife

## WATER QUALITY CONSIDERATIONS: Protection of Creek & Ponds

RUNOFF: No runoff from any applications of chemicals, pesticides or fertilizer shall flow into creeks or ponds ~~[nor to drainage inlets that discharge to creeks or ponds]~~, including runoff from allowable products. No runoff other than clean rainwater shall flow into the creek. Contractor shall consider weather conditions and watering regimes in order to schedule application of fertilizer, pesticides and chemicals in a manner that prevents runoff to creeks or ponds. Contractor shall operate irrigation system and watering activities in a manner that prevents irrigation runoff as well. Contractor shall monitor and test for runoff of any chemicals, pesticides, or fertilizer to ensure runoff does not occur.

EQUIPMENT WASHING: All equipment shall be washed ~~within the equipment wash-off area in the golf maintenance yard, or in an equivalent offsite~~ [in a] facility that filters wash water and is connected to the sanitary sewer system. ~~Screens shall be cleaned of grass clippings and other material after each use.~~ No washing is permitted elsewhere.

We hope that you add these protections into the contract.

Regards,

Annie Yang

Cupertino Resident  
Environmental Action Committee Chair  
Santa Clara Valley Audubon Society  
22221 McClellan Rd  
Cupertino, CA 95014  
eac@scvas.org

CC 04-04-2023

Item No. 8

Consider authorizing an  
increase in the total contract  
amount with Guerra  
Construction for the Wilson Park  
Basketball Court Project

Written Communications

**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Cc:** [Rachelle Sander](#); [City of Cupertino Parks and Recreation Commission](#)  
**Subject:** City Council 4/4/2023 Agenda #8 - Please Suspend Wilson Park Basketball Court Project  
**Date:** Sunday, April 2, 2023 5:44:41 PM

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Dear Cupertino City Council,

Regarding City Council 4/4/2023 Agenda #8 - Please Suspend Wilson Park Basketball Court Project  
During the opening of the new trail, I was alarmed to see that the new basketball court was so close to homes.

It seems to me that it would be extremely impactful to a number of residents and perhaps a less impactful location within the park could be selected before we invest more money into this project? Have those residents been notified?

Do they know how much noise it will generate?

What will be the hours of the basketball courts?

I can't imagine trying to work from home, enjoy a quiet weekend morning, or to take care of a baby while living next to a basketball court.

Please consider a better location before we throw more money at this project.

Thanks,

Rhoda

CC 04-04-2023

Item No. 11

Councilmember Reports

Written Communications

**From:** [Kitty Moore](#)  
**To:** [Kirsten Squarcia](#); [City Clerk](#)  
**Subject:** Written Communications April 4 Item 11  
**Date:** Sunday, April 2, 2023 12:00:50 PM  
**Attachments:** [CM Moore Written Coms Item 11 20230404.pdf](#)

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Dear City Clerk,

Please include the attached for Item 11.

Thank you,

Kitty Moore



**Kitty Moore**  
Councilmember  
City Council  
Kmoore@cupertino.org  
(408) 777-1389



## **Councilmember Moore**

April 4, 2023, City Council Meeting

Agenda Item 11: Councilmember Reports

**Councilmember Moore Comments:** Previous Councilmember updates included activity updates broken down by 1) Councilmember comments which could include activities which are not assigned such as events attended or CalCities meetings, 2) Subcommittee Assignments for the various subcommittees, however these subcommittees such as the Festival Fee Waiver Subcommittee have either not been formed and/or all been abolished, and 3) Committee Assignments recommended by the mayor. The previous recent meetings have been adjourned with this portion of the meeting not being heard.

**February 27, 2023:** Met at Valley Water with concerned residents, City Staff, and Valley Water Staff for a technical presentation to discuss the Stevens Creek Reservoir policies and process for controlling release of water during storms and retention of reservoir water.

**March 13, 2023:** Attended Intergenerational Mixer at the Cupertino Senior Center. Joined teens and Seniors for a 4-hour mixer event to bridge Seniors and teens. Well-attended, provided observational feedback post-event and requested further information.

**March 16, 2023:** CalCities Environmental Quality Policy Committee meeting regarding environmental bonds, bill positions, and the Statewide Neighborhood Voices Initiative. Third year selected to this statewide committee which is advisory to the CalCities Board.

**March 16, 2023:** Site visit Public Storage/neighborhood area and received concern resident feedback.

**March 18, 2023:** Attended the Regnart Creek Trail Ribbon Cutting and toured the improvements under construction at Wilson Park. Walked entire trail and received feedback.

**March 22, 2023:** Attended CPUC educational Zoom RE: “Creating a Low Carbon Future for California Communities: Benefits of Electrification and How to get There.” Dovetails with Climate Action Planning. Section on natural gas cooking.

**March 22, 2023:** Attended CalCities Peninsula Division webinar RE: “Beyond the Housing Element: Resources, Ideas and Lessons for What’s Next?” Nexus with Housing Element process and challenges.

**March 25, 2023:** Senior Center Volunteer Appreciation event with activities, entertainment, and meal in appreciation for all the Senior Center Volunteers. Met with Seniors afterwards regarding services provided and made inquiries regarding changes to the case management offerings.

**March 31, 2023:** Good Old Gals Luncheon. Current and former electeds meet to share experiences and socialize.

**March 31, 2023:** General Continuing Education update: Completed Final Exam for Environmental Studies course: Climate Change Mitigation and Adaptation in California. This is part of a De Anza College Certificate Program. Courses completed since Winter 2022 include: Environmental Law, Industrial Ecology and Sustainability, Environmental Management Tools: CEQA/EIRs, and Climate Change: California. Courses directly relate and provide background information on statutes related to environmental policies considered.



## CITY COUNCIL ACTIVITY REPORT

Meeting: April 4, 2023

Reporting Councilmember: Liang Chao

Report Activity Dates: 2/8/23 to 3/25/23

Event Date, Title, and Description:

2023-02-08 Meeting with Frances Herbert, a consultant for San Jose Spotlight, a San Jose Spotlight

- They are expanding their coverage to Cupertino and surrounding areas.
- Their survey to understand the general feelings of residents about media coverage, city governance, and the possibility of San José Spotlight expanding to cover their city:  
<https://forms.gle/UZC4779wE3pYKU1K9>

2023-02-09 Ride along with Captain Neil Valenzuela of the Sheriff's office and visited the substation in Main Street

2023-02-11 Global Federation of Chinese Business Women, Northern California Chapter

(世界华人工商婦女企管協會，北加州分会) Annual Meeting for installation of officers

- Invited by the new president Alice Kao, also a Cupertino resident.
  - They connect many professional women to take on many charity projects.
- Many members are Cupertino residents.

2023-02-11 Meet & Greet with elected officials held by the League of Women's Voters of Cupertino-Sunnyvale

- All 5 Cupertino Council members attended. There are other elected officials from the City of Sunnyvale and school boards. Chatted with some LWV volunteers

2023-02-18 Ivymax Volunteer Appreciation Dinner and Award Ceremony

- Ivymax shared their programs and the charitable projects done by their foundation in the U.S. and other countries.

2023-02-22 Santa Clara County Recycle and Waste Reduction Committee meeting  
Representing West Valley cities, with an appointment by Cities Association

- They approved the annual legislative platform and the staff will take positions on bills based on the platform. The committee requested to bring the platform back to consider potential revision for next year.
- A presentation by a consultant on the effectiveness of an information campaign to improve organic waste recycling for the divided garbage cans used in Milpitas and Sunnyvale.

2023-02-23 Meeting with shopping mall operators to learn about challenges and strategies for operating shopping malls

- Introduced by Santosh Rao. Council member Moore was also invited to attend.
- They mainly operate stripe malls in South Cal or midwest areas. They aggressively recruit desirable retailers to come to the stripe malls they operate. They carefully provide a retail mix which compliment each other with different rental rates.
- They don't think online sales hurt brick and mortar stores at all and commented that many online sale companies are establishing their own brick and mortar stores.

Invited the City Manager and Economic Development Manager to join the meeting. The CTO attended virtually later in the meeting representing the City Manager.

2023-03-05 US-China Chamber of Commerce annual meeting for installation of new officers invited by the incoming President Marian Chaney

- Many of their members are in Cupertino and surrounding areas. They hope to work with the cities to support businesses.
- They are completely grassroot funded with no support from any foreign government.

2023-03-08 Greeted the Consul General Zhang from China

- Mayor and Vice Mayor stayed for a presentation by the city staff. I left after an initial greeting to avoid any Brown Act violation.

2023-03-17 Dinner banquet by Alpha G to celebrate their Grand Opening of the Silicon Valley branch

- I was the only Council member from Cupertino. There were Council members from Milpitas and Fremont, but not San Jose. The event in Grant Dynasty filled the entire main banquet room/
- I assumed Alpha G is located in Cupertino as the city staff arranged for the Grand Opening earlier on 3/7 and signed me up for this banquet. But as it turns out, their office is on De Anza Blvd, but in San Jose city limit.

2023-03-25 Senior Center Volunteer Appreciation Luncheon

- The entire Senior Center was transformed into an outer space galaxy from the ceiling to the wall and the table decoration and name cards. The decoration was all done by the Senior Center staff. I expressed appreciation for the staff and the volunteers.
- The Kiwanis Club provided the food plus a goody bag for this Volunteer Appreciation dinner and they have been doing it every day. This seems to be a club who donates regularly to serve the citizens, but never asked for grant funding or fee waivers from the City. I expressed my appreciation to the Kiwanis Club representative there.

CC 04-04-2023

Item No. 12

Informational  
Memorandum on the  
Code Enforcement  
processes

Written Communications

**From:** [Peggy Griffin](#)  
**To:** [Pamela Wu](#); [Benjamin Fu](#)  
**Cc:** [City Council](#); [City Clerk](#)  
**Subject:** 2023-04-04 City Council Mtg-ITEM12 Code Enforcement  
**Date:** Sunday, April 2, 2023 11:10:28 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Manager Wu and Director Fu,

Regarding the Code Enforcement process if a setback has been violated...the Memorandum says it goes to Community Development.

Q: What does Community Development do when it receives this information?

Q2: If it is a permanent structure built too close to the property line without a permit, how is this handled?

Please be specific. Thank you.

Sincerely,  
Peggy Griffin