CC 06-21-2023

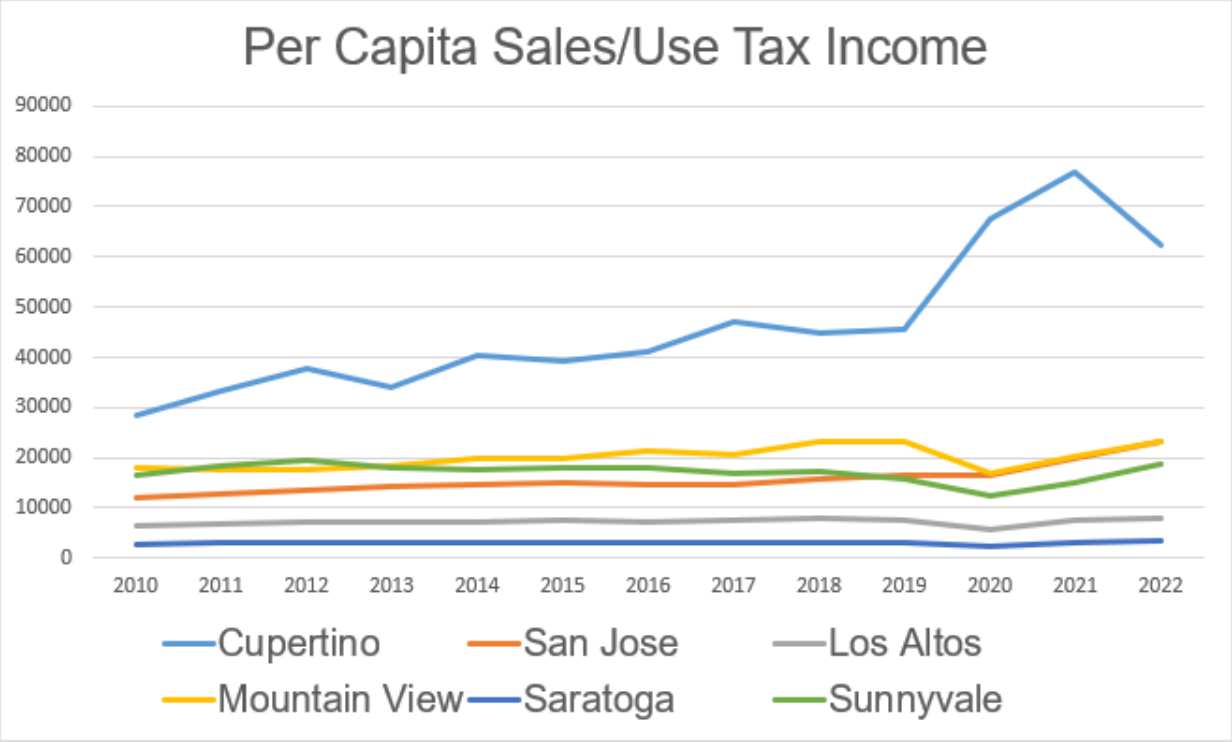
Oral Communications

Written Communications

From: Rhoda Fry
To: City Clerk; City Council
Subject: City Council June 21 - non-agenda comment - stop wasting money
Date: Wednesday, June 21, 2023 12:07:44 PM
Attachments: image003.png
image005.png

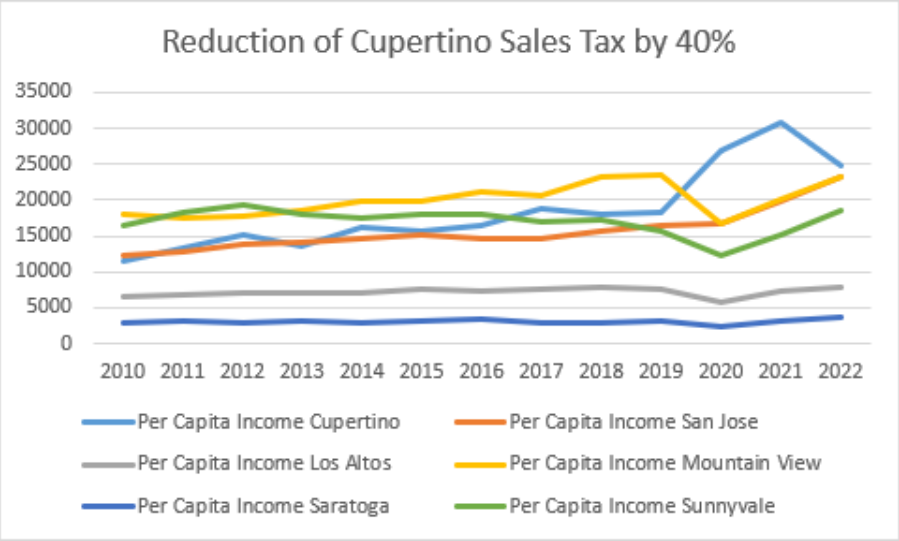
Dear City Council,
I was surprised to have received a survey on making changes to the City website.
Given the current economic conditions, not just with the CDTFA but in general, **it is a waste of the public's money to redo the City website**.
The CDTFA issue is huge. And we have issues moving forward with the economy - - - Santa Clara County just made huge cuts to their budget.
It is stunning that our City is not doing the same.
I am happy with the current website.
If it ain't broke, don't fix it!

Here is a chart that I put together showing how Cupertino compared with neighboring cities with per capita income. You can see that Cupertino has consistently been ahead of other cities. And during COVID, Cupertino's sales-tax revenues boomed while others retreated. And now we know that we will be having a severe decline in sales-tax revenues. I've provided another chart that shows just a 40% decline - - - imagine what 70% would look like.



Now here's an example of what the chart looks like at 40% of current – and that number is extremely

optimistic, because we've been told much higher numbers.



From: Munisekar
To: City Clerk
Subject: Oral Communications on 6/21/2023.
Date: Wednesday, June 21, 2023 12:02:34 AM

Dear City Clerk,

I am registered to attend the City Council meeting tomorrow; I plan to speak during Oral Communications asking the city to Oppose Discriminatory Law SB403.

I would like you to play the following clip during my Oral at my prompting.

https://youtu.be/_41wmoXLHms?t=22

Please keep the above video clip queued up for Orals.

Thank you.
Muni Madhdhipatla
Cupertino Resident

CC 06-21-2023

Item #1

Consider the Memorial Park Specific Plan

Written Communications

From: Susan Michael
To: City Clerk
Subject: FW: Revitalize Memorial Park Design
Date: Tuesday, June 20, 2023 10:59:45 AM
Attachments: Preferred Draft Concept, Site Plan.png
image009.png
image010.png
image011.png
image012.png
image013.png
image014.png
image015.png
image016.png

Written communications for item #1

Susan Michael
Capital Improvement Programs Manager
Public Works
susanm@cupertino.org
(408)777-1328/(408)510-0622

From: Nori N <noriko.y@sbcglobal.net>
Sent: Monday, June 19, 2023 12:35 AM
To: Hung Wei <HWei@cupertino.org>; Sheila Mohan <SMohan@cupertino.org>; Liang Chao <LiangChao@cupertino.org>; Kitty Moore <Kmoore@cupertino.org>; J.R. Fruen <JRFruen@cupertino.org>
Cc: Susan Michael <susanm@cupertino.org>; Rachelle Sander <RachelleS@cupertino.org>; Chad Mosley <ChadM@cupertino.org>; Pamela Wu <PamelaW@cupertino.org>; Sashi Begur <SBegur@cupertino.org>; Carol Stanek <cstanek@cupertino.org>; Jenny Koverman <JennyK@cupertino.org>
Subject: Revitalize Memorial Park Design

Hi Mayor Wei, Vice Mayor Mohan, Councilmember Chao, Coucilmember Moore, and Councilmember Fruen,

There were three concepts, Concept A (Community Focus), Concept B (Nature Focus), and Concept C (Civic Focus). However, I believed Memorial park does not have to be identity focused park for only specific visitors.

Gates Design team chose Concept A (Community Focus) and added various attributes from Concept B and C in order to make it most desirable design after many surveys were taken. I am so glad that the blended concept design can meet everyone's interest.

I am also glad the design team removed the underutilized softball field and added various amenities in their design.

I would like to add some my comments to the deign.

• Playground #12

— Based on the latest design, the playground for different age group looks too small. It has to be much bigger after closing 2 current playgrounds. Have you seen the current playgrounds on weekends, holidays, and during/after events? The playgrounds are full of the families with children. In addition, children in Summer Camp at Quinlan Center go to the playground during the break.

— The new playground has to be all inclusive playground for all children with physical and cognitive disabilities too. So that many more families can visit.

• Pickleball Courts #15

— Pickleball is getting popular, but the high pitch loud noise bothers some people. Have you been and stayed there at least for 30 minute at the current pickleball courts when all courts are in use? The loud noise bothers children who are sensitive to the sound, especially autism children. The tennis noise is 40 dBA, but Pickleball is almost double, over 70 dBA which consider disturbing level.

— Please move pickleball courts away from the playground and picnic areas.

— Please move it to along Stevens Creek and Anton. The noise does not bother anyone there, and players can easy to park at new parking lot on Anton. There are pickleball courts in the sports center tennis court too. So that noise is no longer issue.

• Basketball court #14

— Please move basketball court to where pickleball courts were located after they were moved to along the Stevens Creek. Then, extend the playground to where the basketball was located.

• Amphitheater #9

— This has to be upgraded to safe and add wheel chair seating area. The many tree roots are exposed at side of seating area. The wood fence at back of the amphitheater already broken. It is unsafe if people sit on the fence.

I would be very appreciate it if you could consider.

Regards,
Nori

From: Susan Michael
To: City Clerk
Cc: Chad Mosley; Rachelle Sander
Subject: FW: Memorial Park Specific Plan - Blended Concept
Date: Monday, June 5, 2023 6:52:40 PM
Attachments: Preferred Draft Concept - Site Plan.png
Preferred Draft Concept - Site Plan.png
image017.png
image018.png
image019.png
image020.png
image021.png
image022.png
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image025.png
image026.png
image027.png
image028.png
image029.png
image030.png
image031.png
image032.png

City Clerk's office,
Please include this email as part of written communications for the 6/21 City Council meeting, as per the request of Commissioner Begur.

Susan Michael
Capital Improvement Programs Manager
Public Works
susanm@cupertino.org
(408)777-1328/(408)510-0622
CUPERTINO

From: Sashi Begur <SBegur@cupertino.org>
Sent: Friday, June 2, 2023 7:39 PM
To: Nori N <noriko.y@sbcglobal.net>
Cc: Carol Stanek <cstanek@cupertino.org>; Rachelle Sander <RachelleS@cupertino.org>; Jenny Koverman <JennyK@cupertino.org>; Susan Michael <susanm@cupertino.org>
Subject: Re: Memorial Park Specific Plan - Blended Concept

Thank you Nori, for speaking yesterday and as well for this email.
Your ideas make very good sense. I'm copying the liaison and the director of Parks and Rec, and also the director of public works Susan Michael, to make sure they are aware of this email and also so your input can be included in the package to the council.
Regards
Sashi

Sent from my iPhone

Sashi Begur
Parks and Recration Commissioner
SBegur@cupertino.org
CUPERTINO

On Jun 2, 2023, at 4:37 PM, Nori N <noriko.y@sbcglobal.net> wrote:

Hi Commissioner Stanek, Commissioner Shearin, Commissioner Begur, Commissioner Swamy, and Commissioner Buch,

I joined the meeting and spoke yesterday.

• Playground #12

— Based on the presentation from Gates yesterday, the playground looks too small for age 2-5, 5-12, and Tricycle track. It has to be much bigger after closing 2 current unsafe playgrounds and locating in the current baseball field. Have you seen the current playgrounds on weekends, holiday, and during/after events? The playground is full of the family with children. In addition, children in Summer Camp at Quinlan Center go to the playground during the break.

— The new playground has to be all inclusive playground for all children with physical and cognitive disabilities also. So that many more families can visit after the Memorial park was revitalized.

• Pickleball Courts #15

— Pickleball is getting popular, but the loud noise bothers some people. Have you walked by the current pickleball courts when all courts are in use and listened the sound? The loud noise bothers children who are sensitive to the sound, especially some autism children. The tennis noise is 40 dBA, but Pickleball is almost double, over 70 dBA which consider disturbing level.

— Please move pickleball courts away from the playground or picnic areas.

— Please move it to next #4 Expanded Senior Center Courtyard and the main entrance along Stevens Creek. The noise does not bother anyone, and players can easy to park at new parking lot on Anton. There are pickleball courts in the sports center tennis court too. So that noise is no longer issue.

• Basketball court #14

— Please move basketball court to where pickleball courts were located after they were moved to along the Stevens Creek. Then, extend the playground to where the basketball was located.

• Amphitheater #9

— This has to be upgraded to safe and add wheel chair seating. I will send you photos later but the edge of current seating area has holes and easy to fall over and danger, especially children. Is the wood fence at back of the amphitheater safe if people sat on it during the event?

I would be very appreciate it if you could consider,

Regards,
Nori

On May 31, 2023, at 2:34 AM, Nori N <noriko.y@sbcglobal.net> wrote:

Hi Commissioner Stanek, Commissioner Shearin, Commissioner Begur, Commissioner Swamy, and Commissioner Buch,

Based on Park and Recreation Commission meeting agenda this week, the schematic design of the Memorial Park will be presented by CIP manager Michael. Based on the staff report, concept A was chosen, but add various attributes from other concepts in order to make it most desirable design. The blended concept design can meet everyone's interest.

I am glad you took consideration of removing underutilized softball field and add various amenities. Please relocate the current 2 small unsafe playgrounds into one large safe playground there. Please the new playground is all inclusive playground for children for all ages and abilities (physical and cognitive disabilities).

Pickle ball is getting popular, but the high pitch loud sound bothers some people. Please locate the pickle ball court away from the playground, so that the high pitch loud sound does not bother some sound sensitive children.

Please add wheel chair seating area when you upgrade amphitheater.

Thank you,
Nori

> On Feb 6, 2023, at 9:15 PM, Nori N <noriko.y@sbcglobal.net> wrote:
>
> Begin forwarded message:
>
> **From:** Nori N <noriko.y@sbcglobal.net>
> **Subject: Memorial Park Specific Plan - Blended Concept**
> **Date:** February 6, 2023 at 2:48:42 AM PST
> **To:** Ayano Hattori <AyanoH@cupertino.org>, Chad Mosley <ChadM@cupertino.org>, Rachelle Sander <RachelleS@cupertino.org>, Susan Michael AIA <susanm@cupertino.org>
> **Cc:** Pamela Wu <PamelaW@cupertino.org>, Matt Morley <MattM@cupertino.org>
>
> Hi Manager Hattori, Assistant Director Mosley, Director Sander, and Manger Michael,
>
> Revitalized Memorial Park Community Open House was great. I could have an opportunity to talk to Micheal and Rebecca from Gates. I also could talk to CIP manager, Micheal, and new Park & Recreation Commissioner Shearin.
>
> I would be very appreciate it if you could take below my comments and proposals into consideration to the design.
>
> 1. Memorial Park does not have to be identify focused park. It could be Blended concept with Community Focus, Nature Focus, and Civic Focus to meet many people's interest.
>
> 2. The least amount interest softball field becomes to the multi age play area is great concept. The softball field is empty most of the time.
>
> 3. There is large senior population in Cupertino. The multi age play area can meet those senior population. However, Cupertino should also focus on the children/young population.
>
> 4. There are full of families at playground on weekends, holidays, during the events, and also children in Summer Camp at Quinlan Center go to the playground during the break.
>
> 5. The playground in the Concept A, Community Focus is too small after closing 2 current playgrounds. Remove Bocce Ball Court and reduce table game area to expand the playground for the children. The new playground should be bigger and all inclusive playground for children for all ages and abilities (physical and cognitive disabilities). Bike Traffic Garden must be fun for the children.

6. The play area should be safe soft rubber ground, not the current wood chips nor lawn, and wheel chair access.

7. Move dedicated Pickleball courts to the current small playground is located. Away from the playground. Pickleball is popular game now, but it makes high pitch very loud noise.

8. The field where the big pond was located to be nature area with passive garden walk and add Nature Playground from Concept B (Nature Focus).

9. There are still 2 large fields for events. The Stevens Creek side of field is bigger now after the pond was removed.

10 . Upgraded Amphitheater should stay the current location. The truck comes from Alves to Anton and park behind the Amphitheater and load/unload the equipments or the music instruments during the performance. The equipments or the music instruments can be moved through the big truck entrance next to the Amphitheater.

11. Please add wheel chair seating area at the upgraded Amphitheater.

Regards,
Nori

<Blended Concept .png>

From: Rhoda Fry
To: City Clerk; City Council
Subject: Agenda Item #1, Memorial Park
Date: Tuesday, June 20, 2023 4:11:50 PM

Dear City Council,

Agenda Item #1, Memorial Park, I think that it would be a shame to remove the existing amenity of the softball field. Perhaps efforts should be made to make it known to the public before considering its removal. Our City is poised to increase its population and having this type of amenity would be hard to replace. Memorial Park is pretty big and if we need more amenities there, I'm confident that there's be room for them elsewhere.

Also, if you're considering basketball and other noisy activities, please consider a location that is furthest away from homes. And please also check for the acoustics. Sometimes noise can travel in unexpected ways and it would be unfortunate to put a loud amenity in an area that would impact our residents (even a noisy amenity further away from homes could be more impactful).

Please also consider building underground parking.

Finally, I do think that this project should be shelved until we know the outcome of the CDTFA audit. We should know within 8 weeks or so. Spending money on CEQA contracts and/or expensive studies should not be considered until we fully understand our city's financial situation.

Thanks,
Rhoda fry

From: Ronny Tey
To: City Clerk; Kirsten Squarcia
Cc: City Council; Cupertino City Manager"s Office
Subject: Fw: Keeping the Memorial Park Softball Field
Date: Tuesday, June 20, 2023 8:55:30 PM
Attachments: Softball petition as of June 16, 2023.pdf

Dear City Clerk,

I noticed that my email dated June 16th (below) was not included in the written communications for the council meeting Wednesday June 21st evening. Please add this email and its attachment as written communications for agenda item #1. Thank you.

Regards,
Ronny.

----- Forwarded Message -----
From: Ronny Tey <ronnytey@yahoo.com>
To: citycouncil@cupertino.org <citycouncil@cupertino.org>; pamw@cupertino.org <pamw@cupertino.org>; mattm@cupertino.org <mattm@cupertino.org>; kirstens@cupertino.org <kirstens@cupertino.org>
Sent: Friday, June 16, 2023 at 05:22:50 PM PDT
Subject: Keeping the Memorial Park Softball Field

Dear City Council, City Manager, and Assistant City Manager,

I am submitting the attached petition results for keeping the softball field at Memorial Park. The city believes that the field is underutilized at a utilization of 15%. It is very different to measure utilization of a pickleball or tennis court versus a field for a team sport like softball. Tennis or pickleball may have 2-4 players in an hour, but softball is a team sport with at least 20 people on the field for an hour-long game. With 16 league teams and additional casual users, there are more unique individuals that use the field for softball than those that use it as a dog-off-leash-area, or those that use most of the other amenities at Memorial Park

I want to thank Mayor Wei for coming out to the field this morning to meet some of the players that use the field. Today, Mayor Wei saw 24 men and women play softball on the field with another 8-10 fans in the stands. We talked about how softball is a game for men and women of all ages with varying levels of experience and how the Memorial Park softball field is a unique gem for Cupertino and the surrounding community. There is no other field in the area designed for softball (and with lights!). The field can also easily be adjusted to be used for youth baseball if we want to further increase its utilization. We share the field today with dog owners very amicably as the field is mostly fenced in and we very rarely have had to pick up dog waste from the field. Dog owners are able to use the field any time there is no game.

The Memorial Park softball field is a unique asset to Cupertino that encourages healthy, active lifestyles for adults and seniors with camaraderie for the players with fans and families often watching in the stands. It is an asset that may be too easily taken away, but will be very difficult to get back.

I invite other council members and city staff to come out to the field and meet the users of the field. My friends and I play every Friday morning, and there are league games there Monday, Tuesday, and Friday nights as well as Thursday mornings for seniors. I am also happy to meet you there at your convenience.

Best regards,
Ronny.

Change.org Keep Memorial Park Softball Field Petition

As of June 16, 2023

Started on June 11, 2023 at www.change.org/softballfield

Keep Memorial Park Softball Field

335 Signatures

500 Next Goal

Lisa Dobbs signed 20 minutes ago

jeff scott signed 30 minutes ago

Keep Memorial Park Softball Field

Share on Facebook

Send an email to friends

Send a message via WhatsApp

Tweet to your followers

Copy link

Started June 11, 2023

Why this petition matters

Started by Ronny Tey

The City of Cupertino believes the softball field at Memorial Park is underutilized and is considering removing it and replacing it with an expanded playground or a passive garden walk.

The city is not measuring the usage of the field correctly. While it may not be used most of the day, there are at least 16 teams every week that use that field for league games plus more for casual games and practices.

Memorial Park is one of the few places in the area that has a dedicated public field for softball. Show your support for keeping the field!

Petition Signatures as of 06152023

Note: change.org determines location by cell phone number or IP provider address and is not indicative of users' actual residence

Name	City	State	Postal Code	Country	Signed On
Ronny Tey	Los Altos	CA		US	6/11/2023
Dave Ralston	Cupertino	CA	95014	US	6/11/2023
Cole Maston	Sunnyvale	CA	94087	US	6/11/2023
Steve Maranon	Sunnyvale	CA	94087	US	6/11/2023
Ricardo Ferras	Mountain View	CA	94040	US	6/11/2023
Patrick OMeara	San Jose	CA	95116	US	6/11/2023
Theresa A Gripton	Felton	CA	95018	US	6/11/2023
Jimmy Subia	San Jose	CA	95112	US	6/11/2023
Dan Mueller	San Carlos	CA	94070	US	6/11/2023
Rebecca Davison	Clarkson		42726	US	6/11/2023
Phil Ralston	Atlanta	GA	30307	US	6/11/2023
Mark Loveless	Santa Clara	CA	95051	US	6/11/2023
Donny Garber	Cupertino	CA	95014	US	6/11/2023
Autumn Hartman	Garland		75040	US	6/11/2023
Ann Hepenstal	Los Altos	CA	94024	US	6/11/2023
Patrick McNamara	Las Vegas	NV	89119	US	6/11/2023
Ryan Auer	Santa Clara	CA	95053	US	6/11/2023
Norman Pestana	San Francisco	CA	94142	US	6/11/2023
Rick Wong	Saratoga	CA	95070	US	6/11/2023
Rachel Holloway	McKinney		75070	US	6/11/2023
Maribel Marulanda	New York		11106	US	6/11/2023
Jared Pestana	Sacramento	CA	94203	US	6/11/2023
G. Diane Matthews-Marcelin	Carson		90746	US	6/12/2023
Vincent Pepe	Lindenhurst		11757	US	6/12/2023
ethan hanson	Rhoadesville		22567	US	6/12/2023
Oscar De Colle	Lafayette	CA	94549	US	6/12/2023
El Juan	Miami		33033	US	6/12/2023
Aleksandra Strizhak	Lake Zurich		60047	US	6/12/2023
Sharon Armstrong	San Jose	CA	95113	US	6/12/2023
Larry Kubo				US	6/12/2023
Glenn Young	Makawao	HI	96768	US	6/12/2023
Melissa Demirjian				US	6/12/2023
Adam Kaluba	Burleson		76028	US	6/12/2023
Skeleton Key	Los Angeles	CA		US	6/12/2023
Dancing Ass		CA		US	6/12/2023
Emily Perez	San Luis		85349	US	6/12/2023
Dante Eaker	Middletown		19709	US	6/12/2023
Jon Inwood	Brooklyn	NY	11226	US	6/12/2023
Teresa Biagini	San Jose	CA	95117	US	6/12/2023
Julia Ralston	San Luis Obispo	CA	93401	US	6/12/2023
Susan Sogard	Scotts Valley	CA	95066	US	6/12/2023
Jeff Ng	Cupertino	CA	95014	US	6/12/2023
Charles Carinalli	Sunnyvale	CA	94086	US	6/12/2023

Petition Signatures as of 06152023

Note: change.org determines location by cell phone number or IP provider address and is not indicative of users' actual residence

Lori Ng	Cupertino	CA	95014 US	6/12/2023
Susan Manley	Crescent City	CA	95531 US	6/12/2023
Edward Ludwig	Los Gatos	CA	95033 US	6/12/2023
Gladys Guerrero	Brentwood		94531 US	6/12/2023
John Mancera	Newaygo		49337 US	6/12/2023
bella huf	Sacramento		94203 US	6/12/2023
Tom Simpson	San Jose	CA	95125 US	6/12/2023
David Ligon	Salinas		93907 US	6/12/2023
Susan McBride	Santa Clara	CA	95051 US	6/12/2023
Eva Pepitone	New Braunfels	TX	78130 US	6/12/2023
Richard Adkins	Cupertino	CA	95014 US	6/12/2023
Howard Woo	Sunnyvale	CA	94087 US	6/12/2023
Robert Pilon	Ontario	CA	91762 US	6/12/2023
Jorge Gomez	Whittier	CA	90605 US	6/12/2023
Angel Wheeler	Yucaipa		92399 US	6/12/2023
lily v	Renton		98056 US	6/12/2023
Melia Stockdale	Washington		15301 US	6/12/2023
Cheryl Lewis	Phoenix	AZ	85007 US	6/12/2023
Baldemar Gil	Cupertino	CA	95014 US	6/12/2023
Karin Richter	Lincoln	CA	95648 US	6/12/2023
Ava Babby	Philadelphia		19154 US	6/12/2023
Hannah Charles	Converse		78109 US	6/12/2023
Freddy Luna	San Antonio		78227 US	6/12/2023
Anastasia Brajovic	New York		10001 US	6/12/2023
Machaela Ann	Hampton Bays		11946 US	6/13/2023
Keziah Acheampong	Worcester		1605 US	6/13/2023
Tayla Johnson	Neenah		54956 US	6/13/2023
Jaden Pestana	San Francisco	CA	94142 US	6/13/2023
Douglas Wheeler	Lafayette	CA	94549 US	6/13/2023
kaitlyn burke	San Jose	CA	95127 US	6/13/2023
Olivia Roman	Stockton	CA	95209 US	6/13/2023
Daniel Perry	San Francisco	CA	94142 US	6/13/2023
Stephanie B	Millbrae	CA	94030 US	6/13/2023
Evan Klein	Central Islip		11722 US	6/13/2023
Michael Miller	Washington		20068 US	6/13/2023
Liam Grant	Hampton		23666 US	6/13/2023
Jeff Weseloh	San Francisco	CA	94142 US	6/13/2023
Barry Arata	Cupertino	CA	95014 US	6/13/2023
Josh Kuo	Stockton	CA	95209 US	6/13/2023
Ivan Zhou	San Francisco	CA	94142 US	6/13/2023
Kevin Wang	Castro Valley	CA	94546 US	6/13/2023
Ian Spaulding	Los Altos	CA	94024 US	6/13/2023
Greg Kim	Cupertino	CA	94024 US	6/13/2023
Yu-han Kuo	San Jose	CA	95125 US	6/13/2023

Travis Clawson	San Jose	CA	95120	US	6/13/2023
Michael Ferreira	Long Beach	CA	90808	US	6/13/2023
Armond Holleman	Mountain View	CA	94043	US	6/13/2023
Andrew Floyd				US	6/13/2023
Kalyani Challa	Cupertino	CA	95014	US	6/13/2023
San R	Cupertino	CA	95125	US	6/13/2023
Adam Carmack	Odenville		35120	US	6/13/2023
Yogendra Srungaram	Santa Clara	CA	95051	US	6/13/2023
Amil rajput	Chesterfield		63005	US	6/13/2023
RAMKUMAR KONISETTY	San Jose	CA	95133	US	6/13/2023
Vidya Iyer	Cupertino	CA	95014	US	6/13/2023
samantha nilsen	loss gatos	CA	95032	US	6/13/2023
Anthony Cappellonni	Stockton	CA	95203	US	6/13/2023
Karthikeyan J. R	Mountain View	CA	94043	US	6/13/2023
Snehal Panchal	Cupertino	CA	95014	US	6/13/2023
Joe Naik	Sunnyvale	CA	94087	US	6/13/2023
Ganesh T	San Jose	CA	95131	US	6/13/2023
Ethan Go	Campbell	CA	95008	US	6/13/2023
Stephanie Go	Campbell	CA	95008	US	6/13/2023
Huy Diep	Cupertino	CA	94306	US	6/13/2023
Jedd Go	Cupertino	CA	95014	US	6/13/2023
Evan Blanchard	Minneapolis		55406	US	6/13/2023
Brian Seip	San Francisco	CA	94142	US	6/13/2023
lil nugget	Katy		77449	US	6/13/2023
Myllena Costa	Worcester		1602	US	6/13/2023
Jeff Seip	Oakland	CA	94619	US	6/13/2023
Joseph Tovar	Gilroy	CA	95020	US	6/13/2023
Nabanita Sen	Santa Clara	CA	95051	US	6/13/2023
Bill Bonin	Cupertino	CA	95014	US	6/13/2023
Joan Bonin	Cupertino	CA	95014	US	6/13/2023
Ryan Murphy	San Francisco	CA	94130	US	6/13/2023
Moon Knight	Los Angeles	CA		US	6/13/2023
Lauretta Padgett	Sullivan	IN	47882	US	6/13/2023
Daniel O'Brien	MILTON		12547	US	6/13/2023
John Harris	Sunnyvale		94089	US	6/13/2023
James White	San Jose	CA	95121	US	6/13/2023
Jose Flores	San Francisco	CA	94109	US	6/13/2023
Rob Adams	Burlingame	CA	94010	US	6/13/2023
Breseis Forte	Mahopac		10541	US	6/13/2023
Destiny Garza	Houston		77092	US	6/13/2023
Davison Smith	Brooklyn		11213	US	6/13/2023
James Boucher	Cupertino	CA	95014	US	6/13/2023
Nakul Ruparel	Oakland	CA	94612	US	6/14/2023
Joe Jerrold	San Francisco	CA	94110	US	6/14/2023

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Larry Moss	Sunnyvale	CA	94087	US	6/14/2023
Sean Salazar	Cupertino	CA	95014	US	6/14/2023
Tina Rodriguez	San jose	CA	95122	US	6/14/2023
Emily Nyholm	Campbell	CA	95008	US	6/14/2023
David Weiner	Cupertino	CA	95014	US	6/14/2023
Breanna Eddy	San Jose	CA	95129	US	6/14/2023
Jean Smith	Santa Clara	CA	95054	US	6/14/2023
James Blehm	Los Gatos	CA	95032	US	6/14/2023
John Hernandez	San Jose	CA	95121	US	6/14/2023
Catherine Rodriguez	San Jose	CA	95125	US	6/14/2023
Lindsay Threewitt	Sunnyvale	CA	94089	US	6/14/2023
Scott Mead	San Jose	CA	95112	US	6/14/2023
Brad Woodcox	San Jose	CA	95125	US	6/14/2023
Ben Tankersley	Cupertino	CA	94924	US	6/14/2023
Brian Emery	Mountain View	CA	94040	US	6/14/2023
Erik Silva	San jose	CA	95136	US	6/14/2023
Michael Kambic	Belmont	CA	94002	US	6/14/2023
Anne Emery	Mountain View	CA	94040	US	6/14/2023
Larry Tan	Cupertino	CA	95014	US	6/14/2023
Jennifer Luong	Cupertino	CA	95014	US	6/14/2023
Alan Kute	Cupertino	CA	95014	US	6/14/2023
Randall Arcune	San Leandro	CA	94577	US	6/14/2023
Artist Battle	Cupertino	CA	95014	US	6/14/2023
Ellen McGuire	Cupertino	CA	95014	US	6/14/2023
Mj S	Whitmore Lake		48189	US	6/14/2023
Jason Loo	Kent		98031	US	6/14/2023
Vildan Akay	Boca Raton		33434	US	6/14/2023
Matt M	San Jose	CA	95125	US	6/14/2023
Robert Nessler	Redwood City	CA	95014	US	6/14/2023
Praveen Krishnan	Sunnyvale	CA	94086	US	6/14/2023
Brandon Lin	Saratoga	CA	95070	US	6/14/2023
Andrea Marquez	San Jose	CA	95122	US	6/14/2023
Pat McGuire	Cupertino	CA	95014	US	6/14/2023
Amber Cloyd	San Jose	CA	95110	US	6/14/2023
Carolyn McGuire	Cupertino	CA	95014	US	6/14/2023
Mark Meltz	Los Altos	CA	94024	US	6/14/2023
Rick Pestana				US	6/14/2023
Doug Eddy	Bakersfield	CA	93307	US	6/14/2023
Kellen St John	Tualatin		97062	US	6/14/2023
Kyle Criley	San Jose	CA	95123	US	6/14/2023
Kathleen Shrader	San Jose	CA	95125	US	6/14/2023
Cassandra Chu	Mountain View	CA	94040	US	6/14/2023
Michael Wichrowski	San Jose	CA	95124	US	6/14/2023
Sylvia Chin	San Jose	CA	95111	US	6/14/2023

Petition Signatures as of 06152023

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Cory Paulson	Daly City	CA	94015	US	6/14/2023
Tony Clements	Campbell	CA	95008	US	6/14/2023
Allister McGuire	Palo Alto	CA	94303	US	6/14/2023
Beth Thaxton	Santa Cruz	CA	95062	US	6/14/2023
Jennifer Dekker	Saratoga	CA	95128	US	6/14/2023
Andrea Collins	San Jose	CA	95124	US	6/14/2023
Judy Garcia	Fort Collins	CO	80524	US	6/14/2023
Maria Garber	Cupertino	CA	95014	US	6/14/2023
Robin Palos	San Jose	CA	95125	US	6/14/2023
Michelle Gonzalez-Gifford	San Jose	CA	95123	US	6/14/2023
Tanya Chamberlain	Rocklin	CA	95677	US	6/14/2023
Geoffrey Tu	Mountain View	CA	94040	US	6/14/2023
Eliza Cunningham	San Jose	CA	95173	US	6/14/2023
Phil Cunningham	San Jose	CA	95173	US	6/14/2023
Leslie Bauscher	Shingle springs	CA	95682	US	6/14/2023
Donnie Sales	San Jose	CA	95125	US	6/14/2023
Renee Davi	Soledad	CA	93960	US	6/14/2023
Renaldo Mandi	San Jose	CA	95129	US	6/14/2023
Laura Paterson	Los Altos	CA	94024	US	6/14/2023
Jonathan Lo	Cupertino	CA	95014	US	6/15/2023
Scott Campbell	Cupertino	CA	95014	US	6/15/2023
Gabrielle Belzberg	San Francisco	CA	94114	US	6/15/2023
Chris Gouker	Cupertino	CA	95014	US	6/15/2023
Madison Hastings	Ocala		34470	US	6/15/2023
Taniyah Jones	Saint Louis		63146	US	6/15/2023
Trevor Sheridan	San Jose	CA	95117	US	6/15/2023
Tim Hench	Los Gatos	CA	95032	US	6/15/2023
AJ Hansen	Cupertino	CA	95014	US	6/15/2023
Brenda Morrow	Kansas City	MO	64113	US	6/15/2023
Devon Chaberski	San Francisco	CA	94109	US	6/15/2023
Shirin Shah	San Jose	CA	95122	US	6/15/2023
Ben T	Santa Clara	CA	95051	US	6/15/2023
Renee Ontiveros	Morgan Hill	CA	95037	US	6/15/2023
Kyra Kolak	San Jose	CA	95116	US	6/15/2023
Cynthia Estrada	San Jose	CA	95126	US	6/15/2023
Elise Macdonald	San Francisco	CA	94102	US	6/15/2023
James Rice	Acworth		30102	US	6/15/2023
Dee Suzuki	Pasadena	CA	91107	US	6/15/2023
David Wendland	Cupertino	CA	95014	US	6/15/2023
Kelly Godbey	Melbourne	FL	32935	US	6/15/2023
Megan Horton	Cupertino	CA	95014	US	6/15/2023
Mindy Harrington	San Jose	CA	95141	US	6/15/2023
Danny Quinn	Palo Alto	CA	94306	US	6/15/2023
Shaina Quinn	Palo Alto	CA	94306	US	6/15/2023

Petition Signatures as of 06152023

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Megan Stanton	San Mateo	CA	94403 US	6/15/2023
Christian Garber Garber	Cupertino	CA	95014 US	6/15/2023
Becky Cushman	San Jose	CA	95112 US	6/15/2023
Jennifer Lindstrom	Cupertino	CA	95014 US	6/15/2023
Evan Hench	San Jose	CA	95141 US	6/15/2023
Jacqueline Gonsalves	San Jose	CA	95128 US	6/15/2023
Anthony Chavez	San Jose	CA	95125 US	6/15/2023
Ernesto Fernandez	San Jose	CA	95116 US	6/15/2023
Sandy Kashitani	Roseville	CA	95747 US	6/15/2023
Randy South	San Jose	CA	95136 US	6/15/2023
Steve Schimpf	Murfreesboro	TN	37128 US	6/15/2023
Scott Johnston	San Francisco	CA	94115 US	6/15/2023
Bryan Thomas	San Francisco	CA	94142 US	6/15/2023
Emi Fan	San Francisco	CA	94118 US	6/15/2023
Diane Suzuki	Covina	CA	91767 US	6/15/2023
Zachary Apostolo	Cupertino	CA	95014 US	6/15/2023
Ariel Silva	San Jose	CA	95141 US	6/15/2023
Cecilia Jackson	Santa Clara	CA	95050 US	6/15/2023
Richard Rooney	Santa Cruz	CA	95062 US	6/15/2023
Michael Stanek	Cupertino	CA	95014 US	6/15/2023
Jack Steck	Seattle	WA	98101 US	6/15/2023
Paige Jackson	Cupertino	CA	95015 US	6/15/2023
Rodger O'Brien	San Jose	CA	95117 US	6/15/2023
Jenny Ford	Menlo Park	CA	94025 US	6/15/2023
Cynthia Staehnke	Prunedale	CA	93907 US	6/15/2023
Joanne Obrien	San Jose	CA	95125 US	6/15/2023
Marshall Silva	Gilroy	CA	95020 US	6/15/2023
Grace Jackson	Cupertino	CA	95014 US	6/15/2023
Tate Hackett	San Jose	CA	95120 US	6/15/2023
Steve Avanzino	Cupertino	CA	95014 US	6/15/2023
Matthew Wilson	San Jose	CA	95116 US	6/15/2023
Kyle Riener	Union City	CA	94587 US	6/15/2023
Ilisa Kim	Cupertino	CA	95014 US	6/15/2023
Brittany Schmeltz	San Jose	CA	95134 US	6/15/2023
Delaney OBrien	San Jose	CA	95126 US	6/15/2023
Dhruv Rastogi	Los Angeles	CA	90060 US	6/15/2023
Cody Chamberlain	Oakland	CA	94612 US	6/15/2023
Suzanne Hunter	San Jose	CA	95125 US	6/15/2023
Kim Kleiven	Santa Clara	CA	95050 US	6/15/2023
Clara Takahashi	Cupertino	CA	95014 US	6/15/2023
kylee obrien	San Jose	CA	95125 US	6/15/2023
David Constant	Cupertino	CA	95014 US	6/15/2023
John Tobias	Campbell	CA	95008 US	6/15/2023
Alicia S	Santa Clara	CA	5054 US	6/15/2023

Petition Signatures as of 06152023

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Debjyoti Paul	Cupertino	CA	95014	US	6/15/2023
Dustin Shea	Santa Clara	CA	95054	US	6/15/2023
Joseph Thetford	San Jose	CA	95141	US	6/15/2023
Robin Anderson	Cupertino	CA	95014	US	6/15/2023
Keyla VeleZ	Holden		1520	US	6/15/2023
Dawn Elachi	San Francisco	CA	94124	US	6/15/2023
Emma Jaki	Roseville		95747	US	6/15/2023
Tristian Crane	Warner Robins		31088	US	6/15/2023
Brandan Foskkey	Lizella		31052	US	6/15/2023
WAIS Jan	Monroe		98272	US	6/15/2023
Jen Snyder	Fly Creek		13337	US	6/15/2023
Dave Montellato	Redwood City	CA	94063	US	6/15/2023
Earl Gifford	San Jose	CA	95106	US	6/15/2023
Dennis Montellato	San Jose	CA	95127	US	6/15/2023
Victoria McQuarrie	Santa Clara	CA	95054	US	6/15/2023
Mary Moustakas	Stockton	CA	95201	US	6/15/2023
Brian Daniels	San Francisco	CA	94142	US	6/15/2023
Robin Munoz	Roseville	CA	95747	US	6/15/2023
Jacob Anaya	San Jose	CA	95128	US	6/15/2023
Patti Canouse	Sunnyvale	CA	94087	US	6/15/2023
Kevin Ash	San Jose	CA	95110	US	6/16/2023

Name	Commented Date	Comment
Dave Ralston	6/11/2023	"In the past couple years, this beloved softball field has practically become my second home! And I'm sure there are many other people who play there regularly, all year around, who feel the same way. Keep the field!!!"
Patrick McNamara	6/11/2023	"I've played at Memorial in the 1970's, 80's and have been playing again in the Senior "Geezers" program since about 2017? My girlfriend still plays there in the COED league and has for over 15 years. We would hate to lose this, the only real field that Cupertino has."
Norman Pestana	6/11/2023	"Like Patrick, I too have played at Memorial for years and continue to play as a senior.My son and grandson currently play on Monday night, as well as players there are family and friends that come to the Monday games.I feel Memorial field is an asset for players from 18 to, I'm 75 and plan on playing as long as I can.Save this field!"
Larry Kubo	6/12/2023	"Good softball fields are difficult to find in not only Cupertino, but also the South Bay. It is largely a function of the high cost of real estate and competing municipal priorities. If the City of Cupertino takes away this field, you will eliminate one of the better public fields in the area. And funding another in its place will be a pipe dream. The City needs to keep this field!"
Teresa Biagini	6/12/2023	"Softball is a great sport that is enjoyed by people of all ages. I play at Memorial one to two times a week. We love that field! It's beautiful and well maintained, a real community asset. Please don't get rid of it!"
San R	6/13/2023	"Sports are vital to human society. Softball is a way of life. Stop the assault on sports in Cupertino. First it was the golf course. Now it's the softball fields. We do but want our softball fields replaced with DOLA and pickleball courts."
Donny Garber	6/13/2023	"Been playing here since early 1980s still playing here. It's part of community of cupertino Needs to stay There's plenty of pickle ball courts basketball courts and playgrounds. But only one softball field in Cupertino"
James White	6/13/2023	"Like everyone else on this, I grew up here, played here and had numerous family events held here and continue to bring my new family here. This park is huge and has the ability to have all options including this softball field."
Rob Adams	6/13/2023	"I played softball here in the 1980s and just having this open space is special. I'm fine with multi-use as long as softball remains!"
Jennifer Dekker	6/14/2023	"I've played softball here on and off for the past 20 years. This field is an important part of the softball community and important for continued adult recreation."
Steve Avanzino	6/15/2023	"Memorial Park softball field is used regularly by hundreds of players-- including the Senior Center "Geezers". Where else would we play? This field is irreplaceable!"
Matt Wilson	6/15/2023	"It's a beautiful field that many South Bay softballers use and love to this day. It is important tool for keeping the sports of softball/baseball in the public eye in Cupertino."

Ilisa Kim	6/15/2023	"I've played softball at Memorial for over 20 years, and I love that it's my hometown field! It's a great field (a lot of the other fields we play at are not well-kept, and are actually a hazard to play on). The Parks & Rec people keep the leagues going, better than some of the other leagues I play in, and it's just a joy to play at this park. Please don't take it away from us - it's the only local serious softball field, and there are a lot of people who count on being able to use it!"

From: Mary Patrick
To: City Council
Subject: Memorial park utility of softball field: June 21 agenda item
Date: Wednesday, June 21, 2023 1:42:20 PM

To members of the Cupertino City council:

I am objecting to the Parks department's recommendation which calls for the removal of and rebuilding of the current softball field. Certainly the city has a better use of its resources than to engage in such wasteful demolition and rebuilding. This is especially harmful for those of us who make good use of the current field. We are generally older, which matches closely the continued change to Cupertino's demographics.
I am a past resident of the city but am not currently a resident of Cupertino but we do spend enough money within your city's borders to be considered an interested party.

Patrick J. O'Meara
408-234-5568
Sent from my iPad

From: Jean Bedord <Jean@bedord.com>
Sent: Wednesday, June 21, 2023 3:11 PM
To: City Council; Cupertino City Manager's Office
Cc: Rachelle Sander; Susan Michael
Subject: Agenda Item #1: Memorial Park Specific Plan, Council June 21, 2023

Honorable Mayor Wei, Vice Mayor Mohan, and Councilmembers Fruen, Chao and Moore,

I want to commend staff for the excellent work on the Memorial Park Specific Plan conceptual design. As well as giving my input, I talked with many other actual users of Memorial Park, none of whom were involved with organized sports. The proposed plan incorporates many of their observations and desires for the park.

Memorial Park needs to meet the needs of the entire community, particularly our aging population, not a small group of softball players. This field can be better utilized with the proposed **new popular recreational facilities** (1) highly requested pickleball courts, (2) a full-sized basketball court, (3) fenced DOLA (Dogs Off Leash) area, (4) reservable picnic area with shade, and (5) a new restroom.

I particularly want to applaud the inclusion of senior needs with the **Senior Center expanded/integrated deck/courtyard** with access to fitness stations and event lawn for exercise classes/events. Current access from the Senior Center to the park is abysmal, and flunks ADA access, so I urge prioritization of this area.

I also support the addition of space along Anton Way to accommodate loading/unloading for events, providing **improved safety and ADA access to the amphitheater**. This area can also be used for food trucks for events, much as the senior center and Quinlan Center provide space.

Overall, this plan is well-done and forward-thinking. I urge you to approve moving forward to the Schematic Design and Environmental Assessment as quickly as possible. The community has already spent a lot of time and effort. Let's move ahead, without further delays.

Warm regards,
Jean Bedord
Cupertino resident

CC 6/21/23 #1

June 21, 2023

Santa Clara Valley Audubon Society suggestions for Memorial park (and other parks):

To support biodiversity and integrate nature into a vibrant and colorful parkland, to provide habitat for songbirds and monarch butterflies, and to provide people with a joyful experience:

- In non-turf landscape areas of the park:
  - Plant a variety of plants that have high habitat value, bloom in succession over all seasons, and are at least 80% California native trees and flowering plants from our region.
  - Plant at least 3 patches of 100-square feet each of native milkweed plants to support monarch butterflies
- Work with local ecology stakeholders to develop maintenance best practices that support biodiversity and are bird and pollinator friendly.

Thank you for your attention.

CC 06-21-2023

Item #2

Restoration and Potential Future Development of the Lehigh Quarry

Written Communications

From:	Cathy Helgerson
To:	Salisbury, Robert; Supervisor Joe Simitian; Loquist, Kristina; cindy.chavez@bos.sccgov.org; supervisor.lee@bos.sccgov.org; supervisor.ellenberg@bos.sccgov.org; district1@bos.sccgov.org; City Clerk; Hung Wei; Sheila Mohan; Liang Chao; J.R. Fruen; Kitty Moore; John Marvin; McCann, Lisa@Waterboards
Subject:	Re: EIR scoping meeting for SCQ Use Permit and Reclamation Plan Amendment application
Date:	Saturday, June 17, 2023 6:09:45 AM

Hello,

Regarding the Notice of Preparation of an Environmental Impact Report for the Stevens Creek Quarry Use Permit and Reclamation Plan Amendment Project dated May 25, 2023
I have read this notice. I do believe that the public has a right to view the new use permit application 2024 and the new reclamation plan amendment 2024 proposed by Stevens Creek Quarry Inc. The Stevens Creek Quarry has been operating without a use permit for way too many years and it is time to end the life of the quarry and the operations that have polluted the Air, Water, and the Soil. The Steven Creek Reservoir, Rattlesnake Creek and Swiss Creek have been polluted and it seems that it is up to the public to voice their concerns in order to put a stop to this ASAP. They have been in violation of may regulations and with the pollution that this quarry and the recycling of concrete it needs to be closed down.

Robert Salisbury representative in charge says that he wants from the public their input and comments by June 29, 2023 pertaining to an Environmental Report and this
EIR - Environmental Impact Report will be prepared by Santa Clara County. How so?
The Notice of Preparation states that Santa Clara County will prepare the use permit and the reclamation plan amendment and the EIR - Environmental Impact Report the question is what has
Stevens Creek Quarry submitted? The use permit application (new) and the reclamation plan amendment (new) should have been submitted to Santa Clara County and that the public should
have been allowed to review the paperwork and comment. Usually EIR's come in after all that has taken place and the State Regional Water Quality Control Enforcement Division and the Bay Area Air Quality Control Division are involved in the EIR process and have a set of rules and regulations that adhere to this process. I have included the BAAQMD & SRWQCED persons in
this e-mail in order to notify them that the public wants complete transparency regarding the Steven Creek Quarry and any future developments that may come up.

I do not understand what is really taking place here Santa Clara County (Robert Salisbury) want to know what the public wants in the EIR - Environmental Impact Report the standards that
pertain to EIR's should be obvious based on the rules and regulations that the SRWQCED and the BAAQMD have in place and they should be the ones overseeing the EIR to determine what goes in it and how the pollution clean up is conducted in order to protect the public from any further harm.

I have tried over the many years of commenting and complaining about the Steven Creek Quarry all these years and it seems my comments and concerns have gone unheard and so now you want more comments where is this all getting anyone in the long run. Will Santa Clara County even look at the comments that the public submits and will they even add anything said
by the public to the use permit and the reclamation plan with EIR requirements? We the public want no more of this continued lack of enforcement and there's no way that SCQ can justify its existence. Human lives are more important than Steven Creek Quarry mining and recycling of concrete. I would also like to add that the City of Cupertino's compost are on Stevens Creek Quarry land be closed down and the State Regional Water Quality Control Enforcement Division has mentioned this compost area in its writings and the know pollution in
this is the time to stop providing compost to the public that is mixed with overburden from SCQ.

I did not attend the Public Scoping/Community Meeting because it was at night and I felt Zoom was not to be an option. I feel that meetings now need to be in person. The evening meetings
are right in the middle of commute time and it is also difficult for senior persons to attend these meetings in the evening. I will attend meetings held in the day time and ask that SCC conduct
these meetings in the day time to accommodate the public as a whole.

I will be commenting as soon as I get a reply from SCC regarding my concerns and as soon as I can review the paperwork that needs to be provided to the public as I stated above prior to the EIR issuance. Please provide a location of the information I requested on the web and see that the public and agencies receive this information.

Thanks,

Cathy Helgerson - Environmental Enforcement Advocate
CAP - Citizens Against Pollution
408-253-0490

On Tue, May 30, 2023 at 6:00 PM Salisbury, Robert <Robert.Salisbury@pln.sccgov.org> wrote:

> Stevens Creek Quarry Interested Parties:
>
> The County of Santa Clara is preparing an Environmental Impact Report for the Stevens Creek Quarry Use Permit and Reclamation Plan Amendment application, and an EIR scoping meeting via Zoom has been scheduled for this project on Tuesday, June 6 at 6 PM. At this meeting, we will provide a brief overview of the project and then hear comments from the public and stakeholders on the topics that the required EIR should analyze. If you would like to provide input on the EIR for the project, please attend the scoping and/or send your comments to me via email, no later than June 29, 2023, at 5 PM.

Please see the attached Notice of Preparation for further details.

Kind regards,

Robert Salisbury, Principal Planner
County of Santa Clara Planning Office
70 W. Hedding Street, East Wing, 7th Floor
San Jose, CA 95110
email: Robert.Salisbury@pln.sccgov.org
Phone: (408) 299-5785

Please visit our website.

Click here to look up unincorporated property zoning information.

Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

From: Rhoda Fry
To: City Clerk; City Council
Subject: Agenda Item #2, Lehigh 6/21/23
Date: Tuesday, June 20, 2023 4:01:26 PM

Dear City Council,
Agenda Item #2, Lehigh I ask that the agreement be amended so that the cancelation provision is extended from 60 days to 6 months and happens through a vote of the city council.
Thanks,
Rhoda fry

CC 06-21-2023

Item #5

Second Amendment to Professional Services Agreement Moss Adams

Written Communications

From: Rhoda Fry
To: City Clerk; City Council
Subject: Agenda Item #5, yes to extending Moss Adams contract June 21 2023
Date: Tuesday, June 20, 2023 4:21:14 PM

Dear City Council,

Regarding Agenda Item #5, yes to extending Moss Adams contract June 21 2023. Moss Adams has provided valuable input. We should continue gaining more insights as to how our City can be better run.

However, I am disappointed that the City Staff has not made it a priority to implement a number of the recommendations in place. Can you please ask staff to present to City Council a table of the Moss Adams recommendations along with which ones have been completed and which ones have yet to be completed (or have no plan to be completed). The Grand Jury report had criticized the City for not implementing their advice and I haven't seen any focus from this City Council for doing it.

I am further dismayed that we are continuing to not receive accounts payable timely and that there continue to be massive expenditures by City Staff that are not appropriately being approved by our City Council. Especially now, we need to be more careful with the public's money.

Thanks,
Rhoda Fry

CC 06-21-2023

Item #6

Consider authorizing City Manager to execute agreement with The Pun Group

Written Communications

From: Rhoda Fry
To: City Clerk; City Council
Subject: Agenda Item #6 kudos for selection of independent auditor
Date: Tuesday, June 20, 2023 4:31:28 PM

Dear City Council,

Regarding Agenda Item #6 kudos for selection of independent auditor. Just wanted to thank staff for their recommendation. Per the guidelines, it was a good idea to not renew with Crowe. For similar reasons, it was good to not go with Maze.

In my opinion, the City Manager should not extend the contract for up to two years. This needs to go out to bid and come back to council.

PLEASE LOOK AT THE FINE PRINT!!! Year 1 costs **$133,500**. Years 4 and 5 are optional. Year 5 will cost us **$162,270**!

This is a 21% increase of nearly $30K

(that's a Shakespeare in the Park or a whole bunch of other community amenities).

Please, in FY 2024-25, we need to put this out to bid again. Please put it on your calendar now.

Thanks,
Rhoda Fry

CC 06-21-2023

Item #7

Consider To Be Determined List

Written Communications

From: Pamela Wu
To: Liang Chao; City Clerk
Cc: Bikram Srivastava
Subject: RE: Request to put SB-403 on Council Agenda
Date: Wednesday, June 21, 2023 3:59:16 PM

Kirsten / Lauren – please follow up with Bikram.

Thank you

Pamela Wu
City Manager
City Manager's Office
PamelaW@cupertino.org
(408)777-1322

From: Liang Chao <LiangChao@cupertino.org>
Sent: Wednesday, June 21, 2023 3:43 PM
To: Pamela Wu <PamelaW@cupertino.org>; City Clerk <CityClerk@cupertino.org>
Cc: Bikram Srivastava <bikramsrivastava@gmail.com>
Subject: Fw: Request to put SB-403 on Council Agenda

Ms. Srivastava,
An email cannot be read at the Council meeting unless you raise your hand when the item came up for public comment.

Pamela,
Please help direct Ms. Srivastava to any instruction on public comment in a Council meeting.

Thanks!

Liang

Liang Chao
Council Member
City Council
LiangChao@cupertino.org
408-777-3192

From: Bikram Srivastava <bikramsrivastava@gmail.com>
Sent: Wednesday, June 21, 2023 3:32 PM
To: City Council <CityCouncil@cupertino.org>
Subject: Request to put SB-403 on Council Agenda

Madam City Clerk,
I would like for this email to be read as part of the oral communications for agenda item 7 on my behalf.

Dear Mayor Wei, Vice Mayor Mohan and the City Council,

The residents of Cupertino are very concerned about a new bill SB-403 being rushed through the California legislature. This bill unfairly targets the Indian Americans & the Hindu community as presumptively guilty of caste discrimination.

We affirm that discrimination in any form is unacceptable, and must be addressed by the state. Existing California laws against discrimination list out the protected characteristics like race, national origin, ancestry, religion etc. They do not explicitly list specific groups, unlike SB-403 which has a focus on South Asians. Singling out a specific minority community is unfair and the bill is not facially neutral.

The recent Carnegie Endowment survey shows that a majority of Indian Americans are not caste conscious with that number being higher among American born Indian Americans. Our children learn about caste in schools; they do not have any idea what caste they need to identify with, and we have no way to prove or establish our caste. Santa Clara County DA Jeff Rosen expressed the same concern about how to even define or determine someone's caste (Youtube)

"I know a little about caste. What I've learned is if you ask five South Asians what caste is you get 15 different opinions about what it is. I know that there have certainly been discriminatory practices in

societies all over the world since the beginning of time. As district attorney I'm focused on whether there is discrimination or hate crime or violence based on discrimination in my county and while there have been hate crimes committed in our County, I'm not aware of anything related to caste and hate crimes or criminal violations. And so I just wonder if the bill is necessary.

I'm also very concerned about anyone being stigmatized or any Community being assumed to be racist because they look a certain way or come from a certain place. And so one of the concerns I certainly would have about a bill that talks about caste discrimination is it strikes me as discriminating against Indian Americans and making them suspect in some way that others are not. “

Jeff Rosen, Santa Clara County District Attorney

The now withdrawn lawsuit by the CRD against two Cisco Engineering leaders confirms that caste discrimination is already illegal under the existing California law. SB403 itself contains language which says that it should not be interpreted that caste based discrimination is not already covered. We do not require a new law which specifically targets the South Asian community, which will be affecting our future generations and subjecting them to caste scrutiny because of their descent.

We petition Cupertino City Council under the Cupertino Municipal Code 2.08.030 to study SB-403 and put it on the agenda ASAP to give us an opportunity to express our concerns. We also ask that the council pass a resolution condemning it on our behalf.

The matter is urgent as the SB-403 is being unfairly fast tracked to avoid public scrutiny. It already went through Senate Judicial review, Budget review and Senate vote in less than 2 months and is being rushed through the Assembly.

Most of the contents read above have already been sent to you in writing which I have also attached to this email here. That email was on behalf of myself and 69 other residents of Cupertino. That email was not acknowledged.
I urge you now to please schedule a special meeting with this topic being the only item on the agenda ASAP.

Thanks,

Bikram

From: Vikram Saxena
To: City Council; City Clerk; Cupertino City Manager"s Office
Cc: City Attorney"s Office
Subject: Request to put Resolution against SB403 on City Council Agenda ASAP
Date: Wednesday, June 21, 2023 3:57:06 PM

Dear City of Cupertno City Clerk,

Please include the following as a part of the oral communications for agenda item 7 for today's meeting on my behalf.

Dear Mayor Wei, Vice Mayor Mohan and the City Council,

I am writing to you to ensure that we discuss the issue of a resolution against SB403 in Cupertino city council as soon as possible.

The bill is being rushed through the legislative process without due diligence or understanding of the potential impact. Hence, time is of the essence.

Existing California laws against discrimination list out the protected characteristics like race, national origin, ancestry, religion etc. They do not explicitly list specific groups, unlike SB-403 which has a focus on South Asians. An equivalent statement would be a law which explicitly states that "*Christians have a long history of anti-semiticism leading to the Holocaust by the Germans" or "Taiwanese born people discriminate against PRC-born Chinese"*

Our laws are meant to protect our residents from discrimination, they are not meant to label a particular group as discriminatory. Singling out a specific minority community is unfair and the bill is not facially neutral. Our US born children do not understand or identify with caste.

Santa Clara County DA Jeff Rosen expressed the same concern about how to even define or determine someone's caste (Youtube)

"I know a little about caste. What I've learned is if you ask five South Asians what caste is ***you get 15 different opinions about what it is****. I know that there have certainly been discriminatory practices in societies all over the world since the beginning of time. As district attorney I'm focused on whether there is discrimination or hate crime or violence based on discrimination in my county and while there have been hate crimes committed in our County, I'm not aware of anything related to caste and hate crimes or criminal violations.* ***And so I just wonder if the bill is necessary.***

I'm also very concerned about anyone being stigmatized or any Community being assumed to be racist because they look a certain way or come from a certain place. ***And so one of the***

concerns I certainly would have about a bill that talks about caste discrimination is it strikes me as discriminating against Indian Americans and making them suspect in some way that others are not. "

-Jeff Rosen, Santa Clara County District Attorney

I urge you to put the resolution against SB403 on the agenda as soon as possible.

Regards,
-Vikram Saxena

From: S B
To: City Council; City Clerk; Cupertino City Manager"s Office
Cc: City Attorney"s Office
Subject: Re: Residents Petition (Municipal Code 2.08.030) for a resolution on SB403
Date: Wednesday, June 21, 2023 10:32:37 AM

Madam City Clerk,
I would like for this email to be read as part of the oral communications for agenda item 7 on my behalf.

Dear Mayor Wei, Vice Mayor Mohan and the City Council,

The residents of Cupertino are very concerned about a new bill SB-403 being rushed through the California legislature. This bill unfairly targets the Indian Americans & the Hindu community as presumptively guilty of caste discrimination.

We affirm that discrimination in any form is unacceptable, and must be addressed by the state. Existing California laws against discrimination list out the protected characteristics like race, national origin, ancestry, religion etc. They do not explicitly list specific groups, unlike SB-403 which has a focus on South Asians. Singling out a specific minority community is unfair and the bill is not facially neutral.

The recent Carnegie Endowment survey shows that a majority of Indian Americans are not caste conscious with that number being higher among American born Indian Americans. Our children learn about caste in schools; they do not have any idea what caste they need to identify with, and we have no way to prove or establish our caste. Santa Clara County DA Jeff Rosen expressed the same concern about how to even define or determine someone's caste (Youtube)

"I know a little about caste. What I've learned is if you ask five South Asians what caste is ***you get 15 different opinions about what it is****. I know that there have certainly been discriminatory practices in societies all over the world since the beginning of time. As district attorney I'm focused on whether there is discrimination or hate crime or violence based on discrimination in my county and while there have been hate crimes committed in our County, I'm not aware of anything related to caste and hate crimes or criminal violations.* ***And so I just wonder if the bill is necessary.***

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concerns I certainly would have about a bill that talks about caste discrimination is it strikes me as discriminating against Indian Americans and making them suspect in some way that others are not. "

- **Jeff Rosen, Santa Clara County District Attorney**

The now withdrawn lawsuit by the CRD against two Cisco Engineering leaders confirms that **caste discrimination is already illegal under the existing California law**. **SB403 itself contains language which says that it should not be interpreted that caste based discrimination is not already covered**. We do not require a new law which specifically targets the South Asian community, which will be affecting our future generations and subjecting them to caste scrutiny because of their descent.

We petition Cupertino City Council under the Cupertino Municipal Code 2.08.030 to study SB-403 and put it on the agenda ASAP to give us an opportunity to express our concerns. We also ask that the council pass a resolution condemning it on our behalf.

The matter is urgent as the SB-403 is being unfairly fast tracked to avoid public scrutiny. It already went through Senate Judicial review, Budget review and Senate vote in less than 2 months and is being rushed through the Assembly.

Most of the contents read above have already been sent to you in writing which I have also attached to this email here. That email was on behalf of myself and 69 other residents of Cupertino. That email was not acknowledged.
I urge you now to please schedule a special meeting with this topic being the only item on the agenda ASAP.

Regards
Sashi

On Jun 14, 2023, at 5:45 PM, S B <sashibegur@gmail.com> wrote:

Dear Mayor Wei, Vice Mayor Mohan and the City Council,

The undersigned residents of Cupertino are very concerned about a new bill SB-403 being rushed through the California legislature. This bill unfairly targets the Indian Americans & the Hindu community as presumptively guilty of caste discrimination.

We affirm that discrimination in any form is unacceptable, and must be addressed by the state. Existing California laws against discrimination list out the

protected characteristics like race, national origin, ancestry, religion etc. They do not explicitly list specific groups, unlike SB-403 which has a focus on South Asians. Singling out a specific minority community is unfair and the bill is not facially neutral.

The recent Carnegie Endowment survey shows that a majority of Indian Americans are not caste conscious with that number being higher among American born Indian Americans. Our children learn about caste in schools; they do not have any idea what caste they need to identify with, and we have no way to prove or establish our caste. Santa Clara County DA Jeff Rosen expressed the same concern about how to even define or determine someone's caste (Youtube)

"I know a little about caste. What I've learned is if you ask five South Asians what caste is ***you get 15 different opinions about what it is****. I know that there have certainly been discriminatory practices in societies all over the world since the beginning of time. As district attorney I'm focused on whether there is discrimination or hate crime or violence based on discrimination in my county and while there have been hate crimes committed in our County, I'm not aware of anything related to caste and hate crimes or criminal violations.* ***And so I just wonder if the bill is necessary.***

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- **Jeff Rosen, Santa Clara County District Attorney**

The now withdrawn lawsuit by the CRD against two Cisco Engineering leaders confirms that **caste discrimination is already illegal under the existing California law**. **SB403 itself contains language which says that it should not be interpreted that caste based discrimination is not already covered**. We do not require a new law which specifically targets the South Asian community, which will be affecting our future generations and subjecting them to caste scrutiny because of their descent.

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There are a few more articles written widely on this topic:

1. Caste bill would harm California's South Asian communities: Legislation may be well-intended, but the unintended negative consequences are enormous. By Barbara McGraw The Mercury News
https://www.mercurynews.com/2023/04/20/opinion-caste-bill-would-harm-californias-south-asian-communities/
2. Preliminary Thoughts on Potential Constitutional Flaws in SB 403, a California Proposal to Prohibit Caste Discrimination by Vikram David Amar
https://verdict.justia.com/2023/05/16/preliminary-thoughts-on-potential-constitutional-flaws-in-sb-403-a-california-proposal-to-prohibit-caste-discrimination
3. Why California's caste discrimination bill is itself discriminatory. Suhag Shukla
https://religionnews.com/2023/05/17/why-californias-caste-discrimination-bill-is-itself-discriminatory/
4. Not all California innovations are good: stop SB 403. Samir Karla. Capital Weekly.
https://capitolweekly.net/not-all-california-innovations-are-good-stop-sb-403/
5. A letter from HAF (Hindu American Foundation) that articulates the problems with this bill.
https://www.hinduamerican.org/say-no-to-sb403
6. Carnegie Endowment Survey
https://carnegieendowment.org/2021/06/09/social-realities-of-indian-americans-results-from-2020-indian-american-attitudes-survey-pub-84667
7. Santa Clara County DA Jeff Rosen's views on SB-403:
https://youtu.be/_41wmoXLHms?t=22

We strongly urge the City of Cupertino to oppose SB-403.

Thank you very much.

Sincerely (70 Cupertino Residents Signed this petition - listed in alphabetical order of first names)

1.

1. Ajay Agarwal
2. Ajith Dasari
3. Akshara Barulkar
4. ALN Reddy
5. Anirudh Viswananthan
6. Archana Panda
7. Ashwin Krishnan
8. Chitra Iyer
9. Debjyothi Paul
10. Deepak Sherlekar
11. Durgesh Srivastava
12. Girish Thobi
13. Gita Rayanker
14. Govind Tatachari
15. Hetal Panchal
16. Indu Raina
17. JY Bharadwaj
18. Krithika Srinivasan
19. Latha Recharla
20. Madhuri Dubey
21. Manish Gajjar
22. Meena Vijekar
23.

Meeta Upadhyay

24. Mita Mohanty
25. Muni Madhdhipatla
26. Namita Kumar Sripathi
27. Neha Raina
28. Nirmalendu Das
29. Nirupama Chiplunkar
30. Nivedita Archarya
31. Prabha Krishnaswami
32. Prabhir Mohanty
33. Pradeep Dubey
34. Prakash Ranade
35. Pallavi Kumar Sripathi
36. Praveen Mohanan
37. Radha Narayanan
38. Rajesh Narayanan
39. Ram Sripathi
40. Ranjan Desai
41. Rattan Raina
42. Ravi Kale
43. Ravi Kiran Singh
44. Rishita Madhdhipatla
45.

Ritvik Madhdhipatla

46. Sagorika Das
47. Sahana Narayanan
48. Sai Mylavarapu
49. Santosh Rao
50. Sarika Agarwal
51. Sashi Begur
52. Satyen Kansara
53. Seema Bharadwaj
54. Senhal Panchal
55. Shreyas Karthik Vakkalanka
56. Siddarth Viswanathan
57. Sonali Padgoankar
58. Sravya Vakkalanka
59. Sudeep Kumar
60. Supreeth Rao
61. Sumedha Sherlekar
62. Surya Vakkalanka
63. Sushma Ranade
64. Susmitha Vakkalanka
65. Thirupathaiah Gande
66. Uday Barulkar
67.

Venkat Ranganathan

68. Venki Ayalur

69. Vikram Saxena

70. Vishi Iyer

CC 06-21-2023

Item #7

Consider To Be Determined List

Written Communications

From: Munisekar
To: City Clerk
Subject: Oral Communications on 6/21/2023.
Date: Wednesday, June 21, 2023 12:02:34 AM

Dear City Clerk,

I am registered to attend the City Council meeting tomorrow; I plan to speak during Oral Communications asking the city to Oppose Discriminatory Law SB403.

I would like you to play the following clip during my Oral at my prompting.

https://youtu.be/_41wmoXLHms?t=22

Please keep the above video clip queued up for Orals.

Thank you.
Muni Madhdhipatla
Cupertino Resident

From: Uday Barulkar
To: City Council; City Clerk
Subject: Fwd: Request to put SB-403 on Council Agenda - Call to action today! Email 3
Date: Wednesday, June 21, 2023 8:23:40 PM

Dear Mayor Wei, Vice Mayor Mohan and the City Council,

The undersigned residents of Cupertino are very concerned about a new bill SB-403 being rushed through the California legislature. This bill unfairly targets the Indian Americans & the Hindu community as presumptively guilty of caste discrimination.

We affirm that discrimination in any form is unacceptable, and must be addressed by the state. Existing California laws against discrimination list out the protected characteristics like race, national origin, ancestry, religion etc. They do not explicitly list specific groups, unlike SB-403 which has a focus on South Asians. Singling out a specific minority community is unfair and the bill is not facially neutral.

The recent Carnegie Endowment survey shows that a majority of Indian Americans are not caste conscious with that number being higher among American born Indian Americans. Our children learn about caste in schools; they do not have any idea what caste they need to identify with, and we have no way to prove or establish our caste. Santa Clara County DA Jeff Rosen expressed the same concern about how to even define or determine someone's caste (Youtube)

"I know a little about caste. What I've learned is if you ask five South Asians what caste is ***you get 15 different opinions about what it is****. I know that there have certainly been discriminatory practices in societies all over the world since the beginning of time. As district attorney I'm focused on whether there is discrimination or hate crime or violence based on discrimination in my county and while there have been hate crimes committed in our County, I'm not aware of anything related to caste and hate crimes or criminal violations.* ***And so I just wonder if the bill is necessary.***

I'm also very concerned about anyone being stigmatized or any Community being assumed to be racist because they look a certain way or come from a certain place. ***And so one of the concerns I certainly would have about a bill that talks about caste discrimination is it strikes me as discriminating against Indian Americans and making them suspect in some way that others are not. "***

- **Jeff Rosen, Santa Clara County District Attorney**

The now withdrawn lawsuit by the CRD against two Cisco Engineering leaders confirms that **caste discrimination is already illegal under the existing California law**. **SB403 itself contains language which says that it should not be interpreted that caste based discrimination is not already covered**. We do not require a new law which specifically targets the South Asian community, which will be affecting our future generations and subjecting them to caste scrutiny because of their descent.

We petition Cupertino City Council under the Cupertino Municipal Code 2.08.030 to study SB-403 and put it on the agenda ASAP to give us an opportunity to express our concerns. We also ask that the council pass a resolution condemning it on our behalf.

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https://religionnews.com/2023/05/17/why-californias-caste-discrimination-bill-is-itself-discriminatory/
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https://capitolweekly.net/not-all-california-innovations-are-good-stop-sb-403/
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7. Santa Clara County DA Jeff Rosen's views on SB-403:
https://youtu.be/_41wmoXLHms?t=22

https://www.youtube.com/watch?v=_41wmoXLHms&t=22s&authuser=0

We strongly urge the City of Cupertino to oppose SB-403.

Thank you very much.

From: Debra Nascimento
To: City Clerk
Subject: FW: Oppose SB-403
Date: Wednesday, June 21, 2023 6:21:25 PM

Debra Nascimento
Executive Assistant
City Manager's Office
DebraN@cupertino.org
(408) 777-1302

From: chitrasv@yahoo.com <chitrasv@yahoo.com>
Sent: Wednesday, June 21, 2023 6:17 PM
To: City Council <CityCouncil@cupertino.org>
Subject: Oppose SB-403

Madam City Clerk,
I would like for this email to be read as part of the oral communications for agenda item 7 on my behalf.

Dear Mayor Wei, Vice Mayor Mohan and the City Council,

The residents of Cupertino are very concerned about a new bill SB-403 being rushed through the California legislature. This bill unfairly targets the Indian Americans & the Hindu community as presumptively guilty of caste discrimination.

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*"I know a little about caste. What I've learned is if you ask five South Asians what caste is **you get 15 different opinions about what it is**. I know that there have certainly been discriminatory practices in societies all over the world since the beginning of time. As district attorney I'm focused on whether there is discrimination or hate crime or violence based on discrimination in my county and while there have been hate crimes committed in our County, I'm not aware of anything related to caste and hate crimes or criminal violations. **And so I just wonder if the bill is necessary.***

*I'm also very concerned about anyone being stigmatized or any Community being assumed to be racist because they look a certain way or come from a certain place. **And so one of the concerns I certainly would have about a bill that talks about caste discrimination is it strikes me as discriminating against Indian Americans and making them suspect in some way that others are not. "***

-
- **Jeff**
- **Rosen, Santa Clara County District Attorney**
-

The now withdrawn lawsuit by the CRD against two Cisco Engineering leaders confirms that **caste discrimination is already illegal under the existing California law**. **SB403 itself contains language which says that it should not be interpreted that caste based discrimination is not already covered**. We do not require a new law which specifically targets the South Asian community, which will be affecting our future generations and subjecting them to caste scrutiny because of their descent.

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I urge you now to please schedule a special meeting with this topic being the only item on the agenda ASAP.

Regards,
Chitra Iyer

Cupertino Resident since 2004.

CC 06-21-2023

Item No. 8

Consider approval of the May 16 City Council minutes

Written Communications

From: Kirsten Squarcia
To: Kitty Moore
Cc: City Clerk
Subject: RE: Item 8 20230621 FW: 2023-06–6 City Council Meeting, Agenda Item 2-May 16 Minutes
Date: Wednesday, June 21, 2023 9:38:49 PM
Attachments: image021.png
image022.png
image023.png
image024.png
image025.png
image026.png
image027.png
image028.png
image029.png
image030.png
image031.png
image032.png
image033.png
image034.png
image035.png
image036.png

Councilmember Moore, your comments will be included as requested.

Kirsten Squarcia
City Clerk
City Manager's Office
KirstenS@cupertino.org
(408) 777-3225

From: Kitty Moore <Kmoore@cupertino.org>
Sent: Wednesday, June 21, 2023 9:01 PM
To: Kirsten Squarcia <KirstenS@cupertino.org>
Subject: Item 8 20230621 FW: 2023-06–6 City Council Meeting, Agenda Item 2-May 16 Minutes

Dear City Clerk,

Please add the following to the written communications for Item 8.

Thank you,

Kitty Moore

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

From: Peggy Griffin <griffin@compuserve.com>
Date: Tuesday, June 6, 2023 at 2:44 PM
To: City Council <CityCouncil@cupertino.org>
Cc: City Clerk <CityClerk@cupertino.org>
Subject: 2023-06–6 City Council Meeting, Agenda Item 2-May 16 Minutes

PLEASE INCLUDE THE FOLLOWING EMAIL AS PART OF THE WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL

MEETING AGENDA ITEM #2.

Dear City Council and City Staff,

In the Meeting Minutes for the May 16, 2020 City Council Meeting, under CONSENT CALENDAR (Items 2-12), second paragraph it states “Peggy Griffin was concerned about the conformity of accounts payables and treasurers reports…”

For the record, I’d like this email and the following text to be placed in Written Communications for ITEM2 Approval of the May 16, 2023 Minutes to clarify exactly my concerns.

I’d like to bring these violations listed below to your attention.

In the May 16, 2023 Cupertino City Council Agenda, it includes the March 2023 Monthly Treasurer’s Report (Agenda Item #18) which is late and violates both Cupertino municipal code and California state law. This is not the first time since December 2022. They are continually late.

I-Violation of Municipal Code Section 2.24.030 Monthly Reports and California Government Code Section 41004.

The City's Municipal Code Section 2.24.030 Monthly Reports states:

> The Treasurer shall make monthly reports which conform to the requirements of Government Code Section 41004. Said reports shall be delivered to the City Council, the City Manager and made available for review by such other persons who may so request.

California Government Code Section 41004 states:

> Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body.

The May 16, 2023 Cupertino City Council Agenda Item #17 “Receive the Monthly Treasurer’s Investment Report for March and April 2023”, the March 2023 Monthly Treasurer’s Investment Report is late.

II-Violation of California Government Code Section 53607, Cupertino Municipal Code 2.24.050 and the Cupertino Investment Policy

This is an excerpt from the top of the December 2022 Monthly Treasurer’s Investment Report. This is included in every Monthly Treasurer’s Investment Report as background information.

CITY COUNCIL STAFF REPORT
Meeting: February 7, 2023

Subject
Consider the Monthly Treasurer's Investment Report for December 2022

Recommended Action
Receive the Monthly Treasurer's Investment Report for December 2022

Discussion
Background
On May 19, 2022, the City Council approved the City's Investment Policy. Per the City's Investment Policy, the Treasurer shall submit monthly transaction reports to the City Council within 30 days of the end of the reporting period per California Government Code Section 53607. In addition to the monthly transaction reports, quarterly investment reports are submitted to the City Council approximately 45 days following the end of the quarter. The quarterly investment report offers a more extensive discussion of the City's economy, cash flow, and investments.

The City's Municipal Code Section 2.24.050 Investment Authority states that the Treasurer shall make a monthly report of all investment transactions to the City Council. Lastly, the City's Municipal Code Section 2.88.100 Duties–Powers–Responsibilities lists one of the powers and functions of the Audit Committee is "to review the monthly Treasurer's report."

Link to current and about to be updated Cupertino Investment Policy
https://cupertino.legistar.com/View.ashx?M=F&ID=11960748&GUID=32777BC5-C26B-4777-AFD8-125ECE8D6F2D&G=74359C04-A5F0-4CB2-A97A-0032996BB90E

Last year, the Cupertino Audit Committee chaired by Councilmembers Moore and former Councilmember Paul worked to get our city into compliance with these laws. Since their removal from this committee the city Treasurer has fallen out of compliance despite their response to the Santa Clara County Civil Grand Jury (CGJ) report "Show Me the Money".

Recommendation 8
The City of Cupertino should maintain compliance with California Government Code section 41004. Continued compliance is recommended.

Response: *Agree.* The City will continue to comply with Government Code section 41004.

Link to the CGJ's report "Show Me the Money"
https://www.scscourt.org/court_divisions/civil/cgj/2022/Show%20Me%20the%20Money%20-%20Financial%20Transparency%20Needed.pdf

Link to City of Cupertino's Response to the CGJ's report "Show Me the Money"
https://www.scscourt.org/court_divisions/civil/cgj/2023/Show%20Me%20the%20Money-City%20of%20Cupertino.pdf

In summary, Mayor Wei and the city staff decide when and what appears on each City Council Agenda. With regard to these reports, they have the duty and obligation to follow state and municipal code by ensuring these documents are included on the agenda in a timely manner yet they chose not to do so.

Sincerely,
Peggy Griffin

CC 06-21-2023

Item #9

Receive the FY 2021-22 Annual Comprehensive Financial Report

Written Communications

From: Rhoda Fry
To: City Clerk; City Council
Subject: City Council Meeeting June 21, 2023 Agenda #9 AFCR
Date: Wednesday, June 21, 2023 4:02:28 PM

SUMMARY FOR MINUTES: Rhoda Fry requested that staff fix errors in the AFCR.

Dear City Council,

I am dismayed to see the AFCR once again on the consent calendar. The AFCR is like a company's Annual Report. It is important. It was pulled off of consent at the previous meeting and there was no time to discuss or present it. So, it was deferred to June 21, 2023 - - - but as a consent item, not an agenda item. I was extremely disappointed to see that it was not placed on the regular Agenda and hope that this was a mistake.

I am writing you again regarding the AFCR. It is good to see that an error that I had pointed out during an Audit Committee meeting was corrected. The earlier version of the document said that the City Treasurer is selected by the City Council and, to my knowledge, this has not been the case for at least 50 years. Doesn't anyone check these documents for accuracy?

This document covers the time period of July 1, 2021 to June 30, 2022.

The document states that a number of retailers are part of a "vibrant downtown area," however, many of these stores were long closed:
Doppio Zero closed in 2020.
https://www.mercurynews.com/2020/09/22/doppio-zero-pizzeria-restaurant-opens-in-concord-closes-in-cupertino/
Stein Mart closed in 2020.
https://www.prnewswire.com/news-releases/stein-mart-to-close-279-locations-through-going-out-of-business-sales-301111732.html
Target Express was also closed during the entire reporting period
https://patch.com/california/cupertino/target-plans-close-one-cupertino-location-report
and there's more.

The document also lists Seagate as a "top employer," but relies on old data because Seagate moved out in 2020. Seagate is also highlighted as a high-tech giant in Cupertino.

This is wrong. I won't complain about this again. I already have during audit committee meetings and City Council meetings. Don't you think we need to get the facts right?

Please also see my commentary from June 6 below.

Sincerely,
Rhoda Fry

--- comments from June 6 City Council pertaining to AFCR

Dear City Council,

SUMMARY FOR MINUTES: Rhoda Fry requested that staff fix errors in the AFCR.

This item first showed up as an information item. It is one of the City's most important documents and we were unable to comment on it. Now it is back on the consent calendar, where we are also unable to comment on it unless a council member removes it from consent calendar. This implies that our City's leadership does not want this important document to be discussed and that concerns me.

The AFCR is similar to a corporation's annual report. It is an important financial document. In order for it to be credible, it must be correct. There continue to be serious errors in this document that reduce the credibility of this document. Please direct staff to correct this document. I have already asked several times (including in the audit committee).

Please also refer to my letter from May 16 2023 below.

Regards,
Rhoda Fry

City Council May 16 Agenda #21 AFCR must be an Action Item, not Informational Item

Dear City Council,

I am dismayed to see that Agenda #21 AFCR is an informational item. **This item must be discussed as an action item.** It is important to note that the auditor, not City staff, found **three deficiencies**, one of which could cause **UNAUTHORIZED TRANSACTIONS**.

How can we verify that there have been no unauthorized transactions?

As recommended by the report, please specify what the City has done to ensure the segregation of duties as recommended in the report and that all issues raised have been resolved. Please read the letter from Crowe llp.

I attended the Audit Committee wherein an earlier version of this document had been presented. It contained information that was easily 50 years out of date. It had said that the City Council appointed the City Treasurer and to my knowledge this has not happened in fifty years. It is good to know that I was heard and this error was corrected. Does anyone actually verify these reports?

Nevertheless, other errors remain and some were discussed in the meeting. There is no mention that Target at Main Street has closed. Doppio Zero restaurant is listed as one of the successful restaurants but it closed in 2020. The document also mentions Stein Mart as one of our retailers, which also closed in 2020. Likewise, page 108 mentions Seagate as being the 8th largest employer in Cupertino – to my knowledge, Seagate moved out around 2020. I am not about to vet this entire document. What I do know is that it has errors and that worries me.

At the meeting, I also mentioned my concern about the CDTFA audit, which is lacking in this

otherwise rosy report. This statement in the cover letter dated March 31, 2023 simply does not pass the straight face test: "**Given these trends, the City's sales tax revenue is projected to show a more modest increase going forward."** The report covers the time period to June 30, 2022 and at that time the CDTFA issues were known. Page 59 of the report mentions the probable reallocation of sales and use taxes – why was it omitted on the cover letter? As we know, this is a really big deal.

One of my questions at the audit committee was that the cost of Administration more than doubled from 2021 to 2022. Although the report makes some mention as to items that contributed to the increase, I would like to know how we got to double. At the meeting, Councilmember Mohan was kind enough to assure me that I would receive an answer to my question. This question remains unanswered. Note also that recreation and community services expenses quadrupled and I suppose that activities might still have been on hold in 2021.

I also asked about having greater transparency for other amenities that had enterprise funds in the past. Currently the only recreational facilities that are split out as enterprise funds are golf and sports center. Blackberry pool/picnic used to be combined with golf. But Blackberry pool/picnic never got its own fund and capital improvements there have been swallowed up under special projects, so we have no good visibility for its overall balance sheet. Similarly, the Senior Center had also operated as an enterprise fund and we have little transparency as to how much it is being subsidized. Especially now that we're going to be tightening our financial belts, we need to have greater transparency.

Question – motor vehicle license fees increased by over 50%. Could that be that there were new vehicle purchases? If so, what happened to the old vehicles? Were they sold and where would that show up as income?

Please also take a look at the attached chart that shows City employment. Some areas have gotten quite fat over the years, especially Administration and Administrative services. This chart is worth looking at in the context of the budget.

Lastly, here's my ask. Given that the scope of this report is quite narrow, we really need is a forensic auditor who can better organize our chart of accounts so that we have better transparency in order to make sound financial decisions.

Concerned Citizen,
Rhoda Fry

CC 06-21-2023

Item #10

Consider a proposed mixed-use redevelopment project

Written Communications

From: Rhoda Fry
To: City Clerk; City Council
Subject: Cupertino City Council June 21, 2023, Item #10 De Anza Development
Date: Wednesday, June 21, 2023 2:46:16 PM

Dear City Council,
Regarding Cupertino City Council June 21, 2023, Item #10 De Anza Development.
I'm glad the trees in the back are being retained.
However, those have VERY SHALLOW ROOTS.
If the roots are cut, the trees could be harmed and it could be years before they die.
It is important to retain the privacy of the adjacent neighbors, consider adding conditions such as:

1. Retaining an arborist to determine safe areas for construction and mitigations
2. Post a 10-year bond for the planting of new trees if needed

Thanks,
Rhoda

CC 06-21-2023

Item #13

Receive the Monthly Treasurer's Report for May 2023

Written Communications

From: Griffin
To: City Council; Kristina Alfaro
Cc: City Clerk
Subject: 2023-06-21 City Council Meeting Agenda Item #13 Treasurers Investment Report for May 2023
Date: Tuesday, June 20, 2023 6:08:19 PM
Attachments: image0.png
Staff Report.pdf

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.

PLEASE INCLUDE THIS EMAIL AND ANY ASSOCIATED ATTACHMENTS AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear City Council, City Treasurer Alfaro and Staff,

The material for this agenda item #13 is missing the Staff Report. There has been and needs to be an explanation of why this report appears in the agenda, what Attachment A is all about and have it signed off by the staff member responsible, the City Treasurer.

Attachment A is NOT from the City Treasurer. It is the monthly statement from the investment consultant. It is not the responsibility of a contractor or the City Clerk. The City Treasurer needs to sign off on this information every month.

To quote the February 2023 Treasurers Report:

"The City's Municipal Code Section 2.24.050 Investment Authority states that the Treasurer shall make a monthly report of all investment transactions to the City Council.
…
Per the referenced code provisions, a Treasurer's Investment Report shall be submitted to the … City Council every month."

Someone looking at this agenda item for the first time would not follow why it's there. It appears as a random report with no explanation.

Also, when you look at the meeting details for this agenda item it says "Sponsors: Kirsten Squarcia" but this is the responsibility of the City Treasurer, not the City Clerk.

City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agendized item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.

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File #:	23-12371 Version: 1	Name:	
Type:	Informational Items	Status:	Agenda Ready
File created:	5/25/2023	In control:	City Council
On agenda:	6/21/2023	Final action:	
Title:	Subject: Receive the Monthly Treasurer's Investment Report for May 2023		
Sponsors:	Kirsten Squarcia		
Attachments:	1. A - Chandler Investment Report May 2023		

History (1) | Text

1 record | Group | Export

Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
6/21/2023	1	City Council			Not available	Meeting details	Not available

It is encouraging that these financial statements are starting to meet deadlines. Please include the Staff Report by the City Treasurer.

Thank you,
Peggy Griffin

P.S. Attached is a copy of the Treasurers Monthly Investment Report for February 2023 (Staff Report).

CITY OF CUPERTINO

ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3220 • FAX: (408) 777-3109
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: April 13, 2023

Subject

Consider the Monthly Treasurer's Investment Report for February 2023

Recommended Action

Receive the Monthly Treasurer's Investment Report for February 2023

Reasons for Recommendation

Background

On May 19, 2022, the City Council approved the City's Investment Policy. Per the City's Investment Policy, the Treasurer shall submit monthly transaction reports to the City Council within 30 days of the end of the reporting period per California Government Code Section 53607. In addition to the monthly transaction reports, quarterly investment reports are submitted to the City Council approximately 45 days following the end of the quarter. The quarterly investment report offers a more extensive discussion of the City's economy, cash flow, and investments.

The City's Municipal Code Section 2.24.050 Investment Authority states that the Treasurer shall make a monthly report of all investment transactions to the City Council. Lastly, the City's Municipal Code Section 2.88.100 Duties–Powers–Responsibilities lists one of the powers and functions of the Audit Committee is "to review the monthly Treasurer's report."

Per the referenced code provisions, a Treasurer's Investment Report shall be submitted to the Audit Committee and City Council every month.

Treasurer's Investment Report

The report provides an update on the City's investment portfolio for the month ending February 28, 2023. The report is as of March 22, 2023.

The attached statements include balances and transactions of the City's investments with the Local Agency Investment Fund (LAIF) and Chandler Asset Management. While not governed by the City's Investment Policy, statements for the Public Agency Retirement

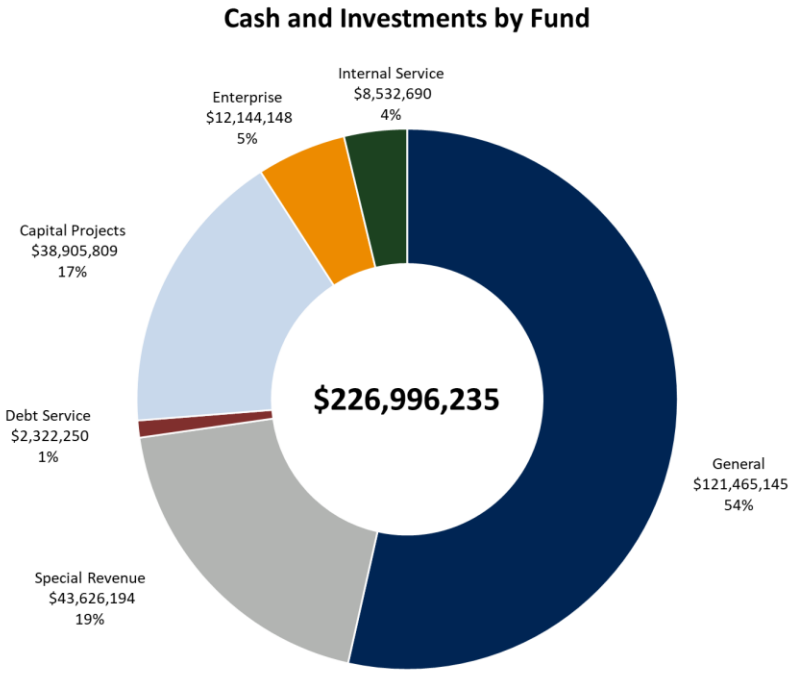
Services (PARS) Section 115 Trusts are also attached per a request from the Monthly Treasurer's Report Subcommittee.

The City's General Ledger cash and investments balance was $227.0 million, a $3.0 million decrease from the prior month due to receipts of $3.0 million, disbursements of $(6.7) million, and journal adjustments of $0.6 million.

Cash and Investments – General Ledger Balance

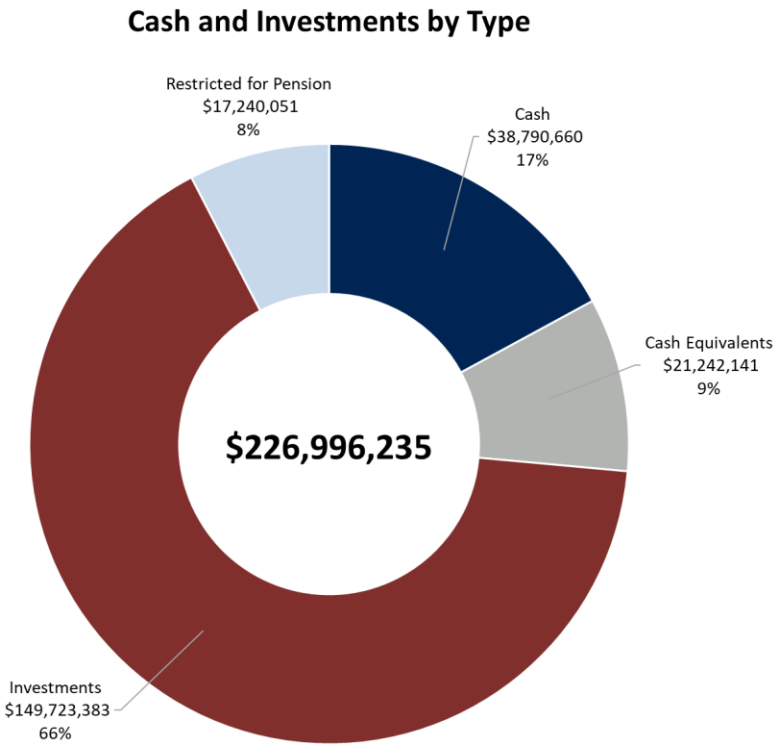
Fund Type	Month Ending January 31, 2023	Receipts	Disbursements	Journal Adjustments*	Month Ending February 28, 2023
General Fund	124,245,311	2,257,903	(5,088,916)	50,848	121,465,145
Special Revenue	43,941,431	153,325	(468,563)	-	43,626,194
Debt Service	2,322,250	-	-	-	2,322,250
Capital Projects	38,731,638	462,480	(288,309)	-	38,905,809
Enterprise	11,728,653	158,713	(344,838)	601,620	12,144,148
Internal Service	9,051,351	-	(510,244)	(8,417)	8,532,690
Total	**$230,020,633**	**$3,032,422**	**$(6,700,870)**	**$644,050**	**$226,996,235**

*Journal adjustments include transactions recorded in other systems and imported into the financial system, Council-approved budget adjustments, quarterly Cost Allocation Plan (CAP) charges, and quarterly interest earnings.



The $227.0 million in cash and investments includes $38.8 million in cash, $21.2 million in cash equivalents, $149.7 million in investments, and $17.2 million restricted for funding pension costs.

The City pools cash for all funds except restricted funds. However, the City accounts for interest earnings, revenues, and expenditures separately for each fund to adequately meet the purpose and restrictions of each funding source. Pooling funds is a common and appropriate practice used in public agencies. By pooling funds, the City can benefit from economies of scale, diversification, liquidity, and ease of administration.



Cash and Investments – General Ledger Balance

	Month Ending January 31, 2023	Month Ending February 28, 2023	% of Portfolio
Cash in banks and on hand			
Operating Checking (Wells Fargo)	41,789,796	38,744,116	17%
Workers' Compensation Checking (Wells Fargo)	20,262	41,845	0%
Payroll Checking (Wells Fargo)	-	-	0%
Restricted for Bond Repayments[1] (BNY Mellon)	-	-	0%
Petty Cash and Change	5,000	4,700	0%
Cash Equivalents			
Local Agency Investment Fund	21,242,141	21,242,141	9%
Investments			
Investments (Chandler)	149,723,383	149,723,383	66%
Restricted for Pension[2] (PARS)	17,240,051	17,240,051	8%
Total Cash and Investments[3]	**$230,020,633**	**$226,996,235**	**100%**

[1] Cash held by fiscal agent for bond repayments

[2] In accordance with GASB 67/68, the assets in the Section 115 Pension Trust are reported as restricted cash and investments in the General Fund. The assets can only be used to fund CalPERS costs.

[3] Assets in the Section 115 OPEB Trust are excluded as the City cannot use these assets to fund its own operations. The assets are held in trust for retirees' post-employment health benefits.

The table below shows the bank balances for the City's cash and investments. Bank and General Ledger balances differ due to timing. Bank balances do not include outstanding checks and deposits in transit. The General Ledger is updated quarterly with interest earnings and annually with the year-end investment market values.

Cash and Investments – Bank Balance

	Month Ending January 31, 2023	Month Ending February 28, 2023	% of Portfolio
Cash in banks and on hand			
Operating Checking (Wells Fargo)	42,673,289	39,316,220	17%
Workers' Compensation Checking (Wells Fargo)	25,873	42,812	0%
Payroll Checking (Wells Fargo)	-	-	0%
Restricted for Bond Repayments[1] (BNY Mellon)	-	-	0%
Cash Equivalents			
Local Agency Investment Fund	21,281,569	21,281,569	9%
Investments			
Investments (Chandler)	148,742,480	147,258,241	65%
Restricted for Pension[2] (PARS)	18,507,647	18,035,635	8%
Total Cash and Investments[3]	**$231,230,858**	**$225,934,478**	**100%**

[1] Cash held by fiscal agent for bond repayments

[2] In accordance with GASB 67/68, the assets in the Section 115 Pension Trust are reported as restricted cash and investments in the General Fund. The assets can only be used to fund CalPERS costs.
[3] Assets in the Section 115 OPEB Trust are excluded as the City cannot use these assets to fund its own operations. The assets are held in trust for retirees' post-employment health benefits.

Local Agency Investment Fund (LAIF)
LAIF is an investment pool administered by the State of California Treasurer and governed by California Government Code. The City can withdraw funds from LAIF at any time. As a result, the City uses LAIF for short-term investment, liquidity, and yield.

The City's LAIF account had a balance of $21.3 million. Interest is deposited quarterly. The December interest rate was 2.07%.

Investment Portfolio
In FY 2018-19, the City conducted a Request for Proposal (RFP) for investment management services and selected Chandler Asset Management. Under the City's Treasurer's direction, Chandler Asset Management manages the City's investment portfolio in accordance with the City's investment objectives. The City's investment objectives, in order of priority, are to provide:

- Safety to ensure the preservation of capital in the overall portfolio
- Sufficient liquidity for cash needs
- A market rate of return consistent with the investment program

The performance objective is to earn a total rate of return through a market cycle equal to or above the return on the benchmark index. Chandler Asset Management invests in high-quality fixed-income securities consistent with the City's Investment Policy and California Government Code to achieve the objective.

The portfolio's market value was $147.3 million, compared to $148.7 million at the end of the previous month. The table below includes historical comparisons of the City's portfolio.

	December 31, 2022	January 31, 2023	February 28, 2023
Market Value	147,282,846	148,742,480	147,258,241
Par Value	156,155,965	156,310,484	156,479,011
Book Value	155,929,700	156,105,058	156,193,550
Average Maturity	2.62 years	2.66 years	2.71 years
Average Modified Duration	2.28	2.28	2.32
Average Purchase Yield	1.70%	1.73%	1.81%
Average Market Yield	4.63%	4.39%	4.89%
Average Quality[1]	AA/Aa1	AA/Aa1	AA/Aa1

[1] S&P and Moody's respectively

The portfolio's market value fluctuates depending on interest rates. When interest rates decrease after an investment is purchased, the market value of the investment increases. In contrast, when interest rates increase after an investment is purchased, the market value of the investment decreases. At the time of purchase, the City intends to hold all investments until maturity, meaning that changes in market value will not impact the City's investment principal. If the market value decreases, the City will incur an unrealized loss. However, the loss will only be realized if the City sells its investments before their maturity. The market values for the portfolio were provided by Chandler Asset Management.

Section 115 Trust Investment Portfolio

The City established Section 115 Trusts to reduce pension rate volatility and pre-fund Other Post-Employment Benefits (OPEB) costs. These trusts are a tax-exempt investment tool that local governments can use to set aside funds for pension and retiree health costs. Contributions made to the trust can only be used to fund retirement plans.

Investments in the Section 115 Trusts are governed by separate investment policies, which are distinct from the City's Investment Policy. On December 6, 2022, City Council approved the Pension Trust Investment Policy and OPEB Trust Investment Policy. Public Agency Retirement Services (PARS) administers the trust, while US Bank manages the investments in accordance with the approved investment policies.

Both Section 115 Trusts are invested in "balanced" portfolios. The investment objective is designed to provide a moderate amount of current income with moderate growth of capital. This type of investment strategy is generally recommended for investors with a long-term time horizon. The strategic asset allocation ranges for this investment objective are:

Asset Class	Range	Target
Equities	50-70%	63%
Fixed Income	20-40%	29%
Real Estate	0-15%	5%
Commodities	0-10%	2%
Cash	0-10%	1%

The Section 115 Pension Trust had a balance of $18.0 million, a decrease of $0.5 million from the prior month due to investment loss. The Section 115 OPEB Trust had a balance of $32.8 million, a decrease of $0.9 million from the prior month due to investment loss. The one-month investment returns were -2.52% for both the Pension Trust and OPEB Trust.

Compliance
All of the City's investments comply with state law and the City's Investment Policy. In compliance with California Government Code 53646 (b)(3), the City maintains the ability to meet its expenditure requirements for the next six months.

Sustainability Impact
No sustainability impact.

Fiscal Impact
No fiscal impact.

California Environmental Quality Act
Not applicable.

Prepared by: _____
Thomas Leung
Budget Manager

Reviewed by: _____
Kristina Alfaro
Director of Administrative Services

Approved for Submission by: _____
Pamela Wu
City Manager

Attachments:
A – Chandler Investment Report February 2023

B – Chandler Custodial Statement February 2023
C – PARS Pension and OPEB Account Statement February 2023
D – LAIF Account Statement February 2023