

CC 05-03-2022

Oral
Communications

Written
Communications

From: [Jean Bedord](#)
To: [Cupertino City Manager's Office](#); [City Council](#); [City Clerk](#)
Subject: Oral Communications: City Council meeting, May 3, 2022
Date: Tuesday, May 3, 2022 1:30:43 AM
Attachments: [image.png](#)

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Cupertino council flunks fiscal responsibility

At council this week, council members failed to accept a grant of \$400,000 to plan for the state-required Housing Element update in the jobs-rich heart of the city. They objected to process requirements to help the city achieve state certification of its Housing Element. Despite the city attorney's assurances, council members persisted in believing that this grant came with additional land-use strings attached.

These council members campaigned on platforms of fiscal responsibility. Yet when they could demonstrate that responsibility, their own agenda to resist state housing laws will cost Cupertino taxpayers dearly. Staff did a lot of work to obtain this grant. And now the money will go to other cities, instead of safeguarding Cupertino's planning.

I join Councilmember Hung Wei — the lone member to support the grant — in expressing utter bafflement at the council's actions. Dysfunction like this must end. Maybe it's time for a new City Council.

Jean Bedord
Cupertino

Please include in the public record.

From: [Jean Bedord](#)
To: [City Council](#); [Cupertino City Manager's Office](#); [City Clerk](#)
Subject: Oral Communications - Planning Commission not doing their job - May 3, 2022 Council
Date: Monday, May 2, 2022 7:27:32 PM

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.

Mayor Paul and councilmembers,

I was on the Zoom call for the Planning Commission meeting on April 26, 2022. The sole item on the agenda was the **Housing Element housing sites selection inventory** and strategies to promote the development of new housing. I was expecting rigorous participation by ALL members of the commission. Instead Vice Chair Muni Madhhipatla was absent. Commissioner Ray Wang was in a vehicle, occasionally appearing on video, but was not viewing the very informative presentation and did not participate in specific site discussion. Commissioner Saxena Vikram appeared and disappeared from Zoom, and **it was questionable whether the commission had a quorum**. Commissioner Sanjiv Kapil apparently had not reviewed the commission packet prior to the meeting. Chairman Scharf was the only member to provide meaningful feedback to the consultant and staff. The public comment was better than the commissioners' ineffective review, but overall the discussion was not sufficiently robust to provide input for an approvable Housing Element.

Please establish a policy that commissioners must appear on video to be considered present for attendance. Also set expectations that commissioners should read the meeting packet in advance and be prepared for detailed review of planning documents, rather than being absent. (This has also occurred previously.)

Thank you for your attention to these important responsibilities.

Regards,
Jean Bedord

2018 Vallco SB-35 vs The Rise 2022 Square Footage Comparison

BLOCK #	Vallco 2018	The Rise	Vallco 2018	The Rise	Vallco 2018	The Rise	Vallco 2018	The Rise	Vallco 2018	The Rise	Vallco 2018	The Rise	Vallco 2018	The Rise
	Res Total Unit Area	Res Total Unit Area	Res Total Amenity Area	Res Total Amenity Area	Res Total Parking SF	Res Total Parking SF	Res TOTAL AREA SF	Res TOTAL AREA SF	Office Total	Office Total	Retail TOTAL AREA SF	Retail TOTAL AREA SF	TOTAL FLOOR AREA	TOTAL FLOOR AREA

2018 Vallco SB-35 vs. The Rise 2022 with “air space above 15 ft.”

TOTAL	2,714,340	3,419,066	620,166	110,675	1,627,398	1,589,264	4,961,904	5,119,005	1,981,447	1,973,494	485,912	429,408	7,429,263	7,521,907
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NOTES:

- Total Residential Unit Area is 704,726 sf increase
- Loss of Residential Amenity Area is -509,491 sf
- Loss of Office Space of -7,953 sf
- Loss of Retail Space of -56,504 sf
- Total Floor Area increase of -92,644 sf

2018 Vallco SB-35 vs. The Rise 2022 without “air space above 15 ft.”

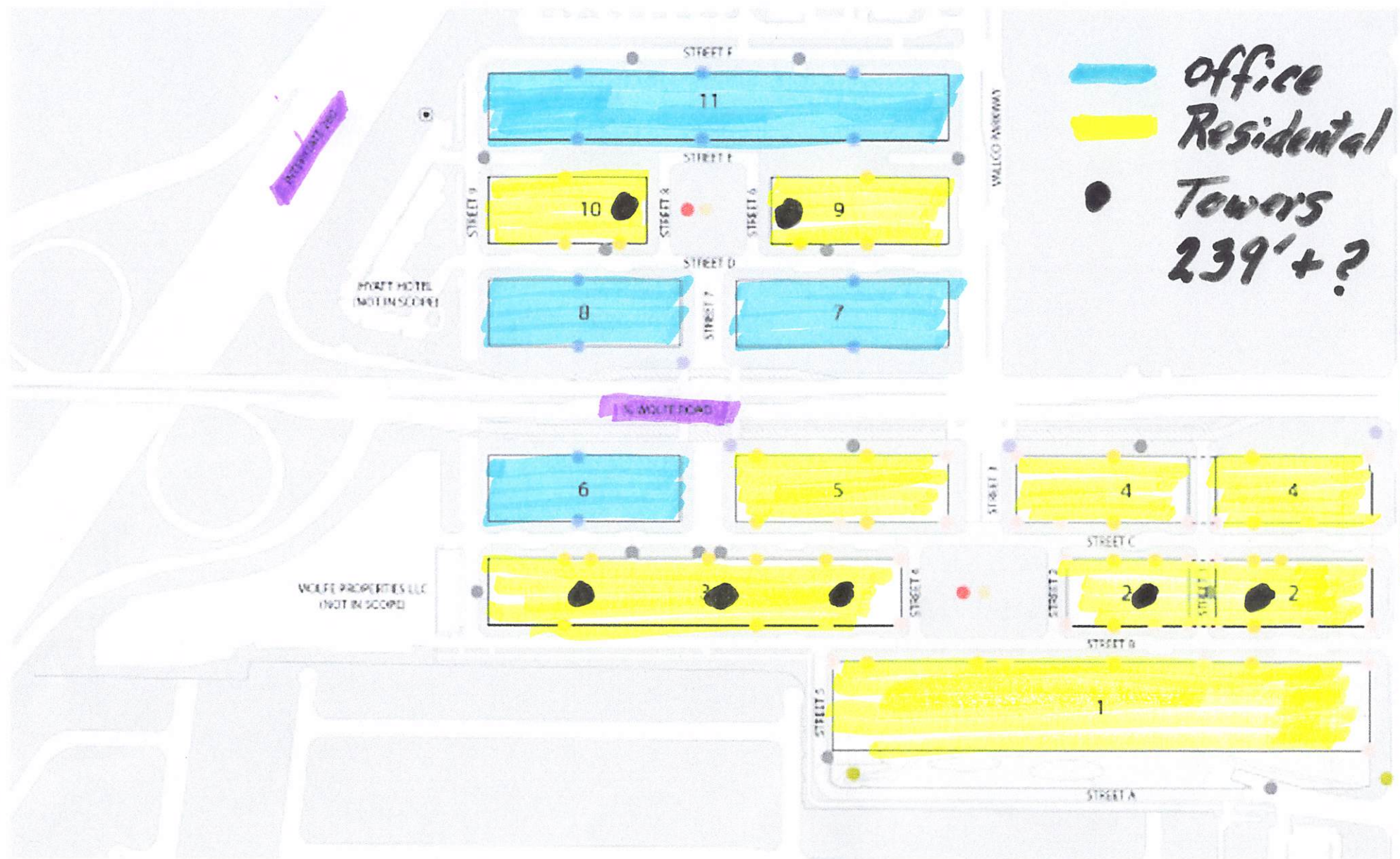
TOTAL	2,714,340	3,379,014	550,055	110,675	1,435,605	1,554,261	4,700,000	5,043,950	1,810,000	1,960,446	400,000	408,833	6,910,000	7,413,229
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NOTES:

- Total Residential Unit Area is 664,674 sf increase in useable space!
- Total Floor Area – 500,000 sq. ft. increase in useable space!
- Loss of Residential Amenity Area is -439,380 sf in useable space
- Increase of Office Space of 150,446 sf of useable space
- Increase of Retail Space of 8,833 sf of useable space
- Total Floor Area increase of 503,229 sf of useable space!

SUMMARY:

- Over 500,000 sf increase in useable space!
- Previous employee counts are off due to this increase.
- Previous residential counts are off due to this increase.
- CUSD and FUHSD must re-do their demographics! There's impacts to
 - Schools
 - Boundaries



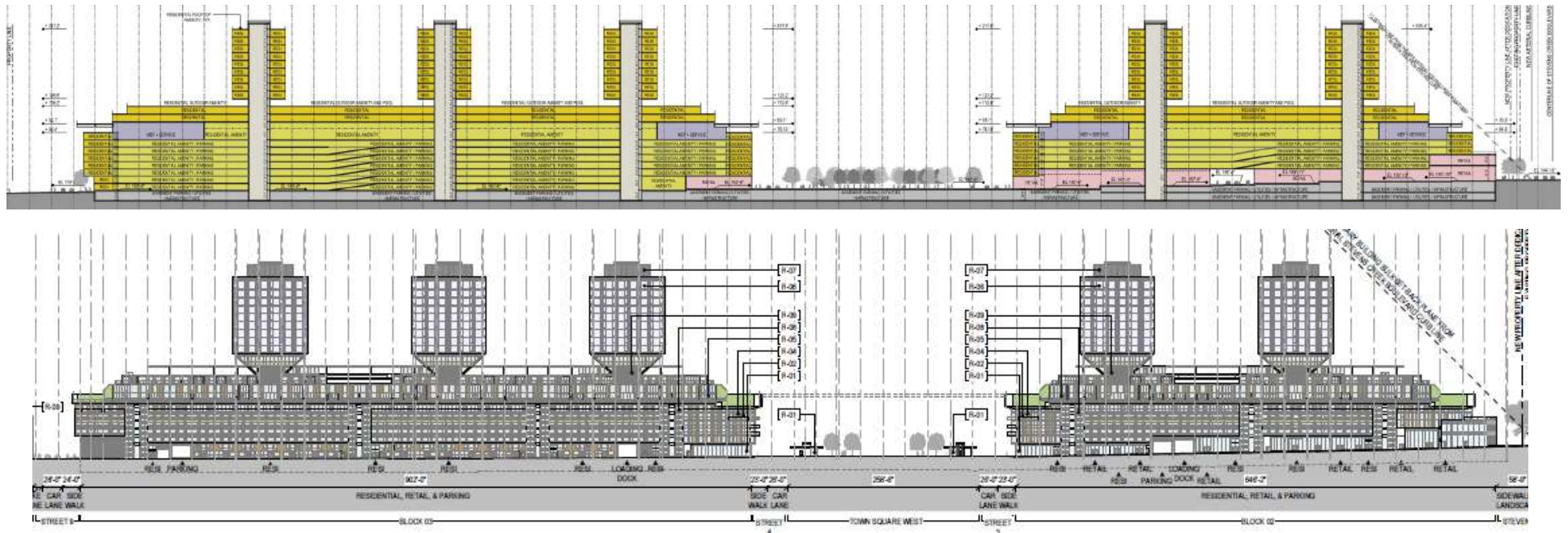
BLOCK 10



2018 SB-35 Vallco Towers vs. 2022 SB-35 Towers

BLOCK 3

BLOCK 2



From: [Connie Cunningham](#)
To: [City Council](#); [City Clerk](#)
Subject: Oral Communications, May 3, 2022, City Council Meeting
Date: Tuesday, May 3, 2022 7:39:18 PM

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.

This email is the written copy of my Oral Communications tonight about the Housing Element.

2022-5-3 Oral Communications, City Council

Dear Mayor, Council, Manager, City Staff and Public:

On 2022-4-26, I attended the Planning Commission meeting on the Housing Element. The Housing Element is due January 2023. It is the plan for adding 4588 housing units to Cupertino's housing stock.

I am particularly concerned with the possibility of **displacement of people from their existing homes**.

Displacement Projects: The site inventory presented that night cited several possible building sites that would result in mass displacement of existing renters. (in some cases, without even adding more density!) One calculation shows 600+ families would be displaced under this plan as described that night.

There was talk of culling sites from those on that site inventory list. Given the possibilities for displacement, it is appropriate to keep the numbers of sites large. I am very concerned about displacement. As you heard in a previous City Council meeting on another topic, **there are 97 homes in Cupertino's existing Below Market Rate (BMR) housing program** that will be possibly maturing out of our system in the next four years. I urge that we look at sites for our Housing Element that will not displace people.

Specific questions addressing this issue of culling sites. There were two lists: Recommended sites and Not recommended sites. I asked that the report be revised to please tell us what the reasons were for including or not including sites on the list and map.

Land use policies may be a reason that owners haven't made offers of interest.

Example: three sites together or independently would be excellent for new housing. Located on Stevens Creek Blvd near transit, shopping and education at De Anza College.

--[if !supportLists]-->a. <!--[endif]-->**20784 Stevens Creek Blvd** – former Pizza Hut (empty for several years) is not on either list. Neither recommended nor not recommended. Why?

--[if !supportLists]-->b. <!--[endif]--> **20840 Stevens Creek Blvd** – former Fontana's Restaurant (empty) is on List of Not Recommended. Why ?

--[if !supportLists]-->c. <!--[endif]-->**20830 Steven Creek Blvd**—existing Staples store is on

list of Not Recommended. Have we approached the owner? Due to its location it could be merged with these two other properties for an excellent multi-family building.

Lastly, I think that the **Heart of the City** is an excellent place to put multi-family housing because of transit along Stevens Creek Blvd, access to shopping and education at sites around the city, including De Anza College.

Sincerely,

Connie Cunningham, Housing Commission (self only)

From: [Kiran Chaudry](#)
To: [City Clerk](#)
Subject: May 3, 2022 Oral Communications
Date: Tuesday, May 3, 2022 5:01:18 PM

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.

For oral communications at City Council, May 3, 2022

Dear City Council:

I watched the April 26th meeting of the Cupertino Planning Commission with dismay. An organized group of anti-affordable housing residents and non-residents were advocating for segregating housing by income level in Cupertino's Housing Element. This goes against Cupertino's efforts to promote inclusionary housing.

We should not be trying to increase affordable housing in Cupertino by segregating low-income residents into the most over-crowded areas of our city. This would be a racist act, harking back to the red-lining of the 20th century. These over-crowded areas, which will become even more over-crowded once the Marina, Vallco, Hamptons, and Westport projects are completed, should not have any more units added. Low-income residents in subsidized housing should have access to the same good schools, nice parks, and other amenities as wealthier residents.

The anti-affordable housing proponents had a script that continually pointed to the existence of the VTA 23 bus line as a justification for placing large amounts of Cupertino's RHNA along Stevens Creek Boulevard. Are these groups naïve enough to believe that residents renting or buying housing units along Stevens Creek Boulevard are going to use VTA bus 23 for their transportation needs? This is absurd. Regardless of income, residents need vehicles to go to work, to go shopping, and for leisure activities.

I urge you to select as many smaller RHNA sites as possible, spread across the City, for two reasons. First, the owners of the small sites are much more likely to actually build their entitlements. Second, equitably distributing the RHNA entitlements spreads housing, both affordable and market-rate, throughout the City, increasing diversity.

Cupertino can create a Housing Element that meets HCD approval for AFFH (Affirmatively Furthering Fair Housing) and that is respectful of residents regardless of income level.

I was also disappointed that commissioner Muni Madhhipatla was absent and commissioner R. Wang did not stay for the whole meeting. I understand that commissioner Madhhipatla had a family emergency in India and commissioner Wang was traveling for his job, but the

Housing Element is vitally important and all commissioners should be present and prepared.

Finally, the consultant, EMC, hired by the City of Cupertino has performed abysmally. They are clueless, incompetent, and come to meetings unprepared. They should never be used by Cupertino again.

Sincerely

Kiran Chaudry
chaudry.kiran.s@outlook.com,

From: [A Jasper](#)
To: [A Jasper](#); [City Clerk](#)
Subject: For May 3 Cupertino City Council meeting: comments from Cupertino Little League Board member regarding athletic fields fees
Date: Tuesday, May 3, 2022 5:01:00 PM
Attachments: [image.png](#)
[image.png](#)
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Re-sending my comments for tonight's meeting.

Sincerely,

Amy Jasper, Cupertino Little League Board member

-----Original Message-----

From: A Jasper <amyjasper@earthlink.net>

Sent: Apr 19, 2022 7:51 PM

To: <cityclerk@cupertino.org>

Subject: comments from Cupertino Little League Board member Fw: [CLL Board] Fwd: City Council Meeting 4/19 - Fee Schedule Update

Re-sending my comments for tonight's meeting.

Dear City Clerk,

Here are my comments regarding the increase of field use fees.

- Increased field use fees have caused increased registration fees which cause lower enrollment. In short, we have to pass the increased costs to Cupertino residents.
 - Spring 2021, we had over 40 (maybe 50?) T-ball players.
 - Spring 2022, we doubled registration fees and we have barely have half the number of players at 23 T-ball players.
- If a Cupertino resident sees an empty ball field and wants to use it, most likely they will play on it Wwithout paying for it.

Thank you,

Amy Jasper, Cupertino Little League Board member

amyjasper@earthlink.net

cell [408-506-2913](tel:408-506-2913)

-----Forwarded Message-----

From: Steve Damozonio <president@cupertinolittleleague.org>

Sent: Apr 17, 2022 6:03 PM

To: CLL Board of Directors <board@cupertinolittleleague.org>

Subject: [CLL Board] Fwd: City Council Meeting 4/19 - Fee Schedule Update

Fee changes for next year are on the agenda.

Steve

----- Forwarded message -----

From: **Karen Levy** <KarenL@cupertino.org>

Date: Fri, Apr 15, 2022 at 1:32 PM

Subject: City Council Meeting 4/19 - Fee Schedule Update

To: Hemant Buch (buchhemant@yahoo.com) <buchhemant@yahoo.com>, Aeron Lauv (laeron@gmail.com) <laeron@gmail.com>, Anurag Gupta - Golden Triangle Soccer <anuraggupta32@hotmail.com>, coachartzim@gmail.com <coachartzim@gmail.com>, Dave <dreuters@gmail.com>, Kenny C <mu95014@gmail.com>, Kinjal Buch (calcricket_academy@yahoo.com) <calcricket_academy@yahoo.com>, leighagillis@gmail.com <leighagillis@gmail.com>, Satheesh Madhathil (sat_k@yahoo.com) <sat_k@yahoo.com>, Steve Damozonio <president@cupertinolittleleague.org>, Veronica Sanchez <veronica@usyvl.org>

Dear Youth Sports Organizations,

The Fiscal Year 2022-23 Fee Schedule Update has been agendized for the Tuesday, April 19 City Council meeting that starts at 6:45 p.m. The meeting materials, including the agenda with information on how to join the meeting, can be found [here](#). Please note, this meeting will be hybrid, the agenda gives information on in-person or virtual attendance.

The Fee schedule update will include the field use fees approved by City Council at their May 4, 2021 meeting. The pertinent fee changes are highlighted below.

- Groups will now pay per hour. The fees for 7.1.21-6.30.22 are:
 - Resident, nonprofit youth organizations --\$5/hour/field
 - Non-resident, nonprofit youth organizations--\$15/hour/field
- When deciding on fees, City Council said fees would go to the original proposed numbers the following year (7.1.22-6.30.23).
 - Resident, nonprofit youth organizations --\$10/hour/field
 - Non-resident, nonprofit youth organizations--\$30/hour/field

Thank you,



Joanne Magrini

Director of Parks and Recreation
Parks and Recreation

JoanneMa@cupertino.org

[\(408\) 777-3226](tel:(408)777-3226)



--

Steve Damozonio
CLL President

--

You received this message because you are subscribed to the Google Groups "CLL Board of Directors" group.

To unsubscribe from this group and stop receiving emails from it, send an email to board+unsubscribe@cupertinolittleleague.org.

CC 04-19-2022

Item No. 1

Consider a Study
Session on the
Capitol
Improvements
Program
including review
of the five-year
CIP (FY 22-27

Written Communications

Memorial Park Adopted Requirements - Proposed Conceptual Design

Liang Chao
Shared at May 3, 2022 Council Meeting

Splash pad from Parks and Rec Master Plan

Under “4.C Expand swimming and water play opportunities.”

Item 4.C.i - **"continue to operate Blackberry Farm pool complex" without expanding, but to "pursue expanding the swimming season".**

Item 4.C.iv - **"Provide more water play features (splash pads/spray play areas/ interactive water features) for play in warm weather, geographically dispersed in the city."**

The splashpad at Blackberry Farm pool complex seeks to expand the pool complex without expanding the operating days. That is not complying with the item 4.C.i nor Item 4.c.iv in the Parks and Rec Master Plan.



Parks and Rec Master Plan - Chapter 4

For Memorial Park:

Immediate

- Develop a site master plan

Short Term

- Pathway, seating, amphitheater, pond re-purposing

Longer Term

- Improve existing facilities; add recreational opportunities

POTENTIAL ENHANCEMENTS

Pursue the following opportunities at Memorial Park and Stevens Creek Corridor Park:

- master plan/design process
- potential added recreation facilities
- potential natural vegetation enhancement
- potential major facility development
- major reinvestments
- assets sustained/replaced

community parks opportunities

Invest in Memorial Park as a community hub by renovating the site as a multi-use and civic-focused event space. Complete the Stevens Creek Corridor Master Plan to guide short and longer-term opportunities for renovation and enhancement. Implement priority short- and longer-term opportunities.

SELECTED ENHANCEMENT OPPORTUNITIES

Immediate

- Develop a site master plan for Memorial Park.
- Complete the Stevens Creek Corridor Master Plan.

Short Term

- Consider nature integration, shade, ADA accessibility, pathway and seating improvements, amphitheater improvements and pond re-purposing at Memorial Park.
- Phase in improvements guided by the Stevens Creek Corridor Master Plan.

Longer Term

- Phase in improvements to existing Memorial Park facilities and add recreation opportunities as guided by the Site Master Plan.
- If appropriate, proceed with the development of any selected major new facilities identified for Memorial Park, the expansion of an adjacent recreation building (Sports Center, Senior Center), or a possible combined facility.
- Renovate Stockmeir Ranch, Blackberry Farm Golf Course, Blackberry Farm Park, and /or McClellan Ranch Preserve, West and other corridor parcels as guided by the Stevens Creek Corridor Master Plan.

Parks and Rec Master Plan - Chapter 5

For Memorial Park:

- Master Plan is a necessary first step BEFORE needed improvements can be made
- Master Plan effort will include a robust engagement process ... for the community to weigh in.
- Then, move quickly to repurpose and renovate the inactive pond area
-

MEMORIAL PARK SITE MASTER PLAN AND INITIAL SITE IMPROVEMENTS

The City has already funded a project to develop a Memorial Park Master Plan that will guide reinvestment in Cupertino's largest park and one of its most significant public gathering places. The City would like to move forward quickly with improvements to the amphitheater and pathway circulation, as well as take steps to repurpose and renovate the inactive pond area. Since these projects affect other opportunities for the site, as noted in Chapter 4 and Appendices E and F, a guiding Master Plan is a necessary first step before needed improvements can be made. The Master Plan effort will include a robust public engagement process to provide opportunities for the community to weigh in on the future of Memorial Park.

TIMELINE

12-month planning process to be initiated upon adoption of this Master Plan; improvements as sequenced in the site master plan

Parks and Rec Master Plan - Chapter 4

Potential Elements at Memorial Park:

- Nature play
- Playable water channel
- Splash Pads
- Spray play area
- Sand play area



DIVERSE PLAY AREAS

POTENTIAL ELEMENTS

- logs, stumps, boulders
- water features
- sand, mud, rocks
- movable pieces
- plants and trees

nature play opportunities

Provide nature play elements in parks to connect people to nature and support experiential play.

POTENTIAL LOCATIONS/OPPORTUNITIES

- Memorial Park
- Creekside Park
- Wilson Park
- Linda Vista Park
- Portal Park
- Other neighborhood parks
- Trail corridors

POTENTIAL ELEMENTS

- playable water channel
- spray play areas
- splash pads
- sand play area

water play opportunities

Integrate a variety of water play opportunities at existing parks.

POTENTIAL LOCATIONS/OPPORTUNITIES

- Memorial Park
- Other large neighborhood or community parks

In adopted FY19-20 CIP plan:

Under “Existing and Completely Funded Projects”

- **Memorial Park Master Plan & Parking Study” - \$150,000**
 - “A process to obtain community input and consensus will assist in formulating plans to renovate portions of the park including parking requirements and upgrades for surrounding facilities.”

Under “Other Unfunded Projects” section

- **Project: Memorial Park – Tennis Court Restroom Replacement - \$625,000**
- **Project: Memorial Park Phase 1 – Pond Removal - \$1.5M**
- **Project: Memorial Park Phase 2 Improvements - Design \$350,000 + Construction - \$2,500,000 (p**
- **Project: Memorial Park Phase 3 Improvements - Design \$350,000 + Construction - \$2,425,000**

In adopted FY19-20 CIP plan:

“Immediate” Step identified in
Parks and Rec Master Plan

Under “Existing and Completely Funded Projects”

- **Memorial Park Master Plan & Parking Study” - \$150,000 (done in house)**
 - “A process to obtain community input and consensus will assist in formulating plans to renovate portions of the park including parking requirements and upgrades for surrounding facilities.”

Under “Other Unfunded Projects” section

- **Project: Memorial Park – Tennis Court Restroom Replacement - \$625,000**
- **Project: Memorial Park Phase 1 – Pond Removal - \$1.5M**
- **Project: Memorial Park Phase 2 Improvements - Design \$350,000 + Construction - \$2,500,000 (p**
- **Project: Memorial Park Phase 3 Improvements - Design \$350,000 + Construction - \$2,425,000**

Amphitheater Improvement

“Short Term” Step identified in
Parks and Rec Master Plan

In adopted FY21-22 CIP plan:

Only current projects are listed in the FY21-22 CIP plan.

(No “other unfunded projects” list in this CIP plan.)

- **Memorial Park – Pond Repurposing - \$3M**
- **Memorial Park – Amphitheater Improvements - \$1.15M**
- **Memorial Park – Specific Plan Design - \$0.5M**

In adopted FY21-22 CIP plan:

Only current projects are listed in the FY21-22 CIP plan.

(No “other unfunded projects” list in this CIP plan.)

- Memorial Park – Pond Repurposing - \$3M
- Memorial Park – Amphitheater Improvements - \$1.15M
- Memorial Park – Specific Plan Design - \$0.5M

**No master plan process to
“obtain community input” so
that “consensus will assist in
formulating plans”?**

Memorial Park Pond Repurposing

- scope changed in the CIP dashboard

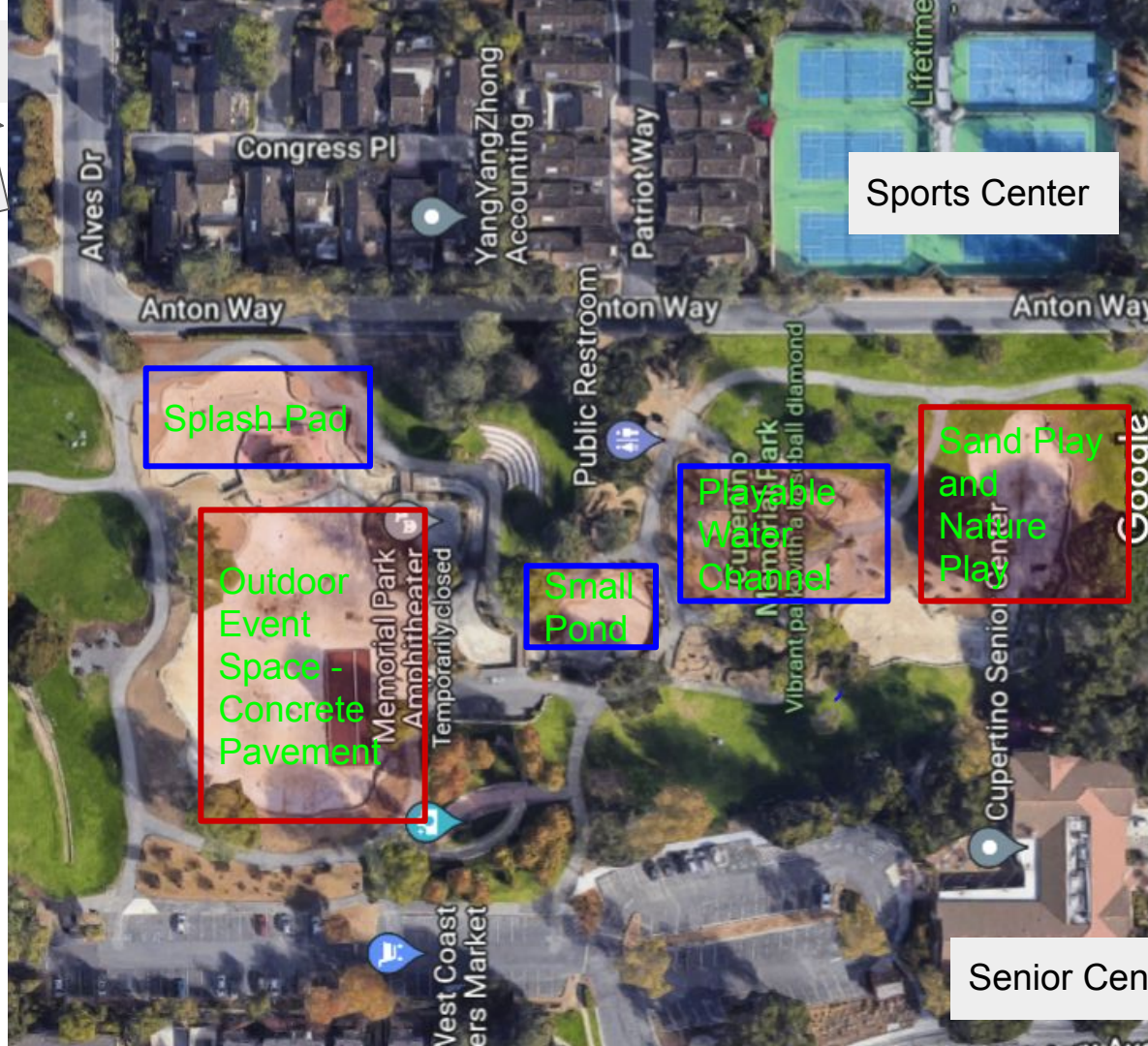
The project description for the "Memorial Park – Pond Repurposing" is changed from

"preparing the site for future development" in FY19-20 and in FY21-22

to

"turfed area and adequate irrigation to ensure quality surface" in the CIP dashboard.

Quinlin Center



How about a splash pad
and a Concrete area for
Farmers' Market or
Outdoor Ping pong etc.

These are all mentioned
in Parks and Rec
Master Plan for
Memorial Park:

- Splash pad
- Playable water channel
- Sand play
- Nature Play
- Event space

De Anza

Senior Center

Splash Pad in Parks - simpler version



Ideas from Parks and Rec Master Plan

Splash Pad in Parks - simpler version



Splash Pad in Parks - moderate



Splash Pad in Parks - more elaborate



Water Channel + Sand Play



Playable Water Area + Sand Play

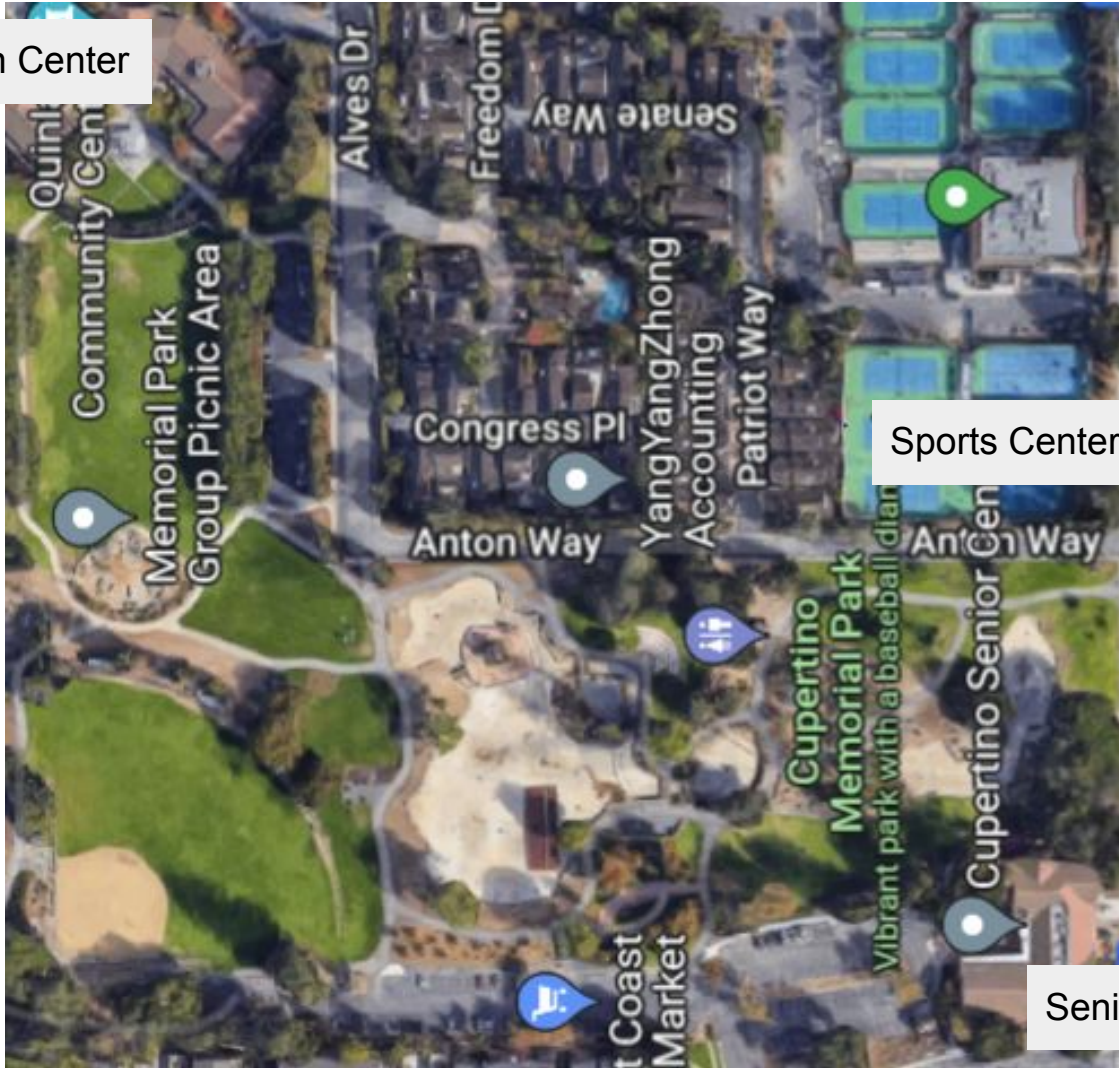


Water + Sand + Nature Play



Extras

Quinlin Center



Sports Center

There is already plenty
turfed area

Senior Center

De Anza

City Hall Renovation

- Not New City Hall
- And Torre Ave. Building

Liang Chao

Shared at May 3, 2022 Council Meeting

City Hall Renovation / Replacement and Library Parking Garage: Design & Construction

Council Review of Civic Center Projects

- **December 2012:** Analysis of City Hall presented to Council as part of the Civic Center Master Plan
Plan chosen includes underground parking & EOC
- **July 2015:** Civic Center Master Plan presented to Council, including City Hall Renovation/Replacement
Aug. 2015 Council request Financing Plan for \$70M, against spending \$5M for design
- **December 2015:** Report presented to Council indicating that City Hall Renovation/ Replacement project was not financially feasible
Council decided NOT to pursue a new City Hall after reviewing financing options
- **February 2018:** Civic Center Master Plan presented to Council, recommending City Hall Renovation/Replacement project be supported by Council. Alternatively, Library Expansion Project was approved and subsequently funded in October 2018.
- **May 2021:** Council approved funding for Torre Avenue/City Hall Annex project & City Hall Feasibility Study.

FY21-22 CIP: “City Hall and Community Hall Improvements - Programming and Feasibility”

(from the adopted FY21-22 CIP narratives)

Project Description

Programming, Feasibility and Community Outreach to form the basis of a **renovation strategy** for the buildings.

Project Justification

City Hall: The existing building does not meet **current or projected needs for office space**; structural, mechanical and other code-related modifications are **needed to meet code standards**. Community Hall: **Use of the building** could be maximized with **the addition of conference space and remodeled kitchen space**.

Status and/or Projected Schedule

In this fiscal year, the project goal is to complete **programming, feasibility and cost studies, conceptual design**. FY23 will focus on Design and Construction.

FY21-22 CIP: “City Hall and Community Hall Improvements - Programming and Feasibility”

(the FY21-22 CIP narrative from 2021-06-15 CC agenda)

Project Description

Programming, Feasibility and Community Outreach to form the basis of a **renovation strategy** for the buildings.

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City Hall: The existing building does not meet **current or projected needs for office space**. Structural, mechanical and other code-related modifications are **needed to meet code standards**. Community Hall: **Use of the building** could be maximized with the **addition of conference space and remodeled kitchen space**.

Status and/or Projected Schedule

In this fiscal year, the project goal is to complete **programming, feasibility and cost studies, conceptual design**. FY23 will focus on **Design and Construction**.

**No mention of a parking garage,
No mention of yet another
seismic analysis,
No mention a New City Hall**

10455 Torre Avenue Improvements (City Hall Annex)

- \$3M (FY21-22 CIP project)

10455 Torre Avenue is a 5,730 square foot building purchased by the City in 2020 with about \$3M dollars.

Project Description (from FY21-22 CIP narrative)

Program and plan facility improvements required **for interim facility to accommodate staff when City Hall is remodeled**, as well as **the long-term use of this facility**. The scope of work will include **programming, planning and construction**. Minor alterations may be necessary to accommodate current building lessees.

Status and/or Projected Schedule (from FY21-22 CIP narrative)

In this fiscal year, the project goal is to **complete programming and conceptual design**, and to implement strategic upgrades that do not adversely impact current lessees.

10455 Torre Avenue Improvements (City Hall Annex)

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Status and/or Projected Schedule (from FY21-22 CIP narrative)

In this scope year, the project goal is to **complete programming and conceptual design**, and to implement strategic upgrades that do not adversely impact current lessees.

Where is the Council direction and the public input on “the long term use of this facility” funded with \$6M taxpayer dollars?

10455 Torre Avenue Improvements (City Hall Annex)

- \$3M (FY21-22 CIP project)

Update to the “10455 Torre Avenue Improvements” project from the 2022-05-03 CIP Study Session

The CIP project includes **programming, planning and building improvements** to facilitate use of the facility. The proposed use is to house a portion of community-serving staff functions both during and after anticipated construction work at City Hall.

Programming and initial planning have been completed, with **final design and construction are anticipated** to take place in 2022 – 2023.

The intent of design is to create flexible workspace with conference rooms.

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- \$3M (FY21-22 CIP project)

Update to the “**10455 Torre Avenue Improvements**” project from the 2022-05-03 CIP Study Session

The CIP project includes **programming, planning and building improvements** to facilitate use of the facility. The proposed use is to house a portion of community-serving staff functions both during and after anticipated construction work at City Hall.

Programming and initial planning have been completed, with final design and construction are anticipated to take place in 2022 – 2023.

The intent of design is to create flexible workspace with conference rooms.

The “programming and initial planning have been completed”, but the Council and the public has not weighed in yet on “the long term use of this facility”.

Unfunded Major Projects

- City Hall - \$70M
- Memorial Park Improvement
- Bike path projects: I-280 trail, Pacific railway trail, Stevens Creek/De Anza and Bollinger infrastructure, Carmen Bridge
- Renovation and earthquake retrofits of other city buildings and community centers
- Implementation of Parks and Rec Master Plan
- Major recreation facilities: Aquatics,
- Blackberry Golf Course - improve or redo
- Stevens Creek Corridor Plan -

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-05-03 CC Study Session CIP - City Owned Properties-Add Torre Ave
Date: Tuesday, May 3, 2022 5:10:06 PM

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

Dear City Council,

The last new CIP Project for FY22-23 that is listed are for "Inspection Reports and Analysis" of the Stocklmeir, Bryne and Blesch properties.

REQUEST: Add the new Torre Ave property to this list!

Sincerely,
Peggy Griffin

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-05-03 CC Study Session CIP - New CIP Projects #5 replace with Memorial Park Master Plan!
Date: Tuesday, May 3, 2022 5:03:57 PM

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

Dear City Council,

New CIP Projects for FY 2022-23 #5 Major Recreation Facilities: Use and Market Analysis

#5 "Major Recreation Facilities..."

What happened to the Master Plan for Memorial Park? The public has been waiting for public outreach and to provide comments but instead, bits and pieces of it are being worked on in-lieu of a master plan! PLEASE replace this item with a Master Plan for Memorial Park then we can break up the improvements into yearly chunks.

Sincerely,
Peggy Griffin

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-05-03 CC Study Session CIP - CITY HALL & LIBRARY PARKING GARAGE-3 STORIES!!!
Date: Tuesday, May 3, 2022 4:43:52 PM

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

Dear City Council,

Another FY22-23 New CIP Project is "City Hall Renovation/Replacement and Library Parking Garage: Design and Construction"

First, there is NO PUBLIC SUPPORT for a 3-story above ground parking garage. The city is about finished with the Regnart Creek Trail that goes along the creek so people can enjoy nature and walk/ride bikes and now you are going to turn it into a CONCRETE CANYON!!!

- What's natural about that?
- What about the residents that this 3-story garage will loom over?
- Is it 3 floors plus parking on the top, too? That always is snuck in so it becomes 3-story but 4 floors of parking. So at night, car lights will shine over the homes. So much for dark skies!
- LIBRARY FIELD...Are they planning to take another chunk out of it? It needs to become a park so that snippets of it don't keep disappearing!

Second, the City Hall...Yes, it needs to be addressed but where was the public comment?

- There was a design; money spent on a design; what about it?
- That previous design had underground parking.
- What are the requirements? Shouldn't these be discussed in public? This is public land, public space and the public uses it a lot!

I agree that "something" needs to be done but requirements need to be publicly discussed and a list first.

Sincerely,
Peggy Griffin

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-05-03 CC Study Session CIP - SPLASH PAD
Date: Tuesday, May 3, 2022 4:31:37 PM

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

Dear City Council,

In looking at the New Projects for FY 22-23, #1 was a Splash Pad for Blackberry Farm at a budget of \$500k!

The description says it replaces the “slide feature” which is at one end of the pool so \$500k didn’t make sense until I saw this video below:

<https://www.constructorasenqueretaro.com/how-to-build/how-much-does-it-cost-to-build-a-commercial-splash-pad.html>

Now, I’m wondering if this means the entire pool is going to be replaced by this “Splash Pad”?

- If so, where’s the public comment on changing Blackberry Farm – the “master plan”?
- If it’s not replacing the pool, how big is this pad? Where’s it going? What space is being taken over by this pad?

Safety, contamination...

- Is this cleaner than a pool? From the above descriptions, it grossed me out!

Please ask questions regarding this CIP Project.

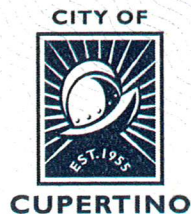
Sincerely,
Peggy Griffin

CC 05-03-2022

Item No. 2

Proclamation
commemorating
the Eid al-Fitr
holiday

Desk Item



Proclamation

WHEREAS, The City of Cupertino wishes to recognize the Muslim community on the occasion of Eid al-Fitr, also known as the "Festival of Breaking the Fast," to honor the end of Ramadan;

WHEREAS, The Eid al-Fitr holiday marks the end of Ramadan, the Islamic holy month of fasting and spiritual renewal for Muslims worldwide;

WHEREAS, During the month of Ramadan, Muslims are reminded that their religion requires them to reflect on and renew their faith, give charity to the hungry and the needy, and respect and honor their fellow human beings;

WHEREAS, Locally, the West Valley Muslim Association inspires and empowers its congregation to live according to the values of the Islamic faith;

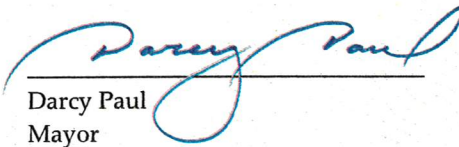
WHEREAS, Muslims are a part of the fabric of our community in the City of Cupertino and the greater Bay Area region, and we recognize the contributions, rich cultural heritage, and diversity they bring to our community.

THEREFORE, I, Mayor Darcy Paul, and the Cupertino City Council do hereby Proclaim its recognition of

Eid al-Fitr

and the end of the holy month of Ramadan, which is observed and celebrated by over one billion people worldwide, including residents of the City of Cupertino.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Cupertino to be affixed this Tuesday, May Third, Two Thousand and Twenty Two.


Darcy Paul
Mayor

CC 05-03-2022

Item No. 7

Amended A -
Draft April 21
Minutes

Desk Item

Council conducted straw polls for consensus on proposed language revisions to the item descriptions.

Council recessed from 9:51 p.m. to 9:57 p.m.

Council further conducted straw polls and approved the following language revisions:

6. Cupertino Store Implementation

Implement the Cupertino Store plan, ~~which will be adopted by Council as part of the current City Work Program Item "Cupertino Store at Chamber of Commerce".~~ This would include identifying a location if one is not identified in fiscal year 2021-2022. With some help from the Fine Arts Commission for some of the items with art designed by community members, items would be designed and selected for the store, for sale to the public, and also available for exchange purposes for formal delegations to and from the City, with an at-cost charge structure for the latter purposes. Staff will present a plan to the Council on item selection and art design selection.

Approved by unanimous consent.

Add new Item 9a in addition to existing Item 9:

9a. RHNA related General Plan updates and rezoning (Housing Element)

Review preliminary RHNA numbers. Look at strategies for RHNA compliance including evaluating sites for potential upzoning, and jobs-housing ratio and statistics. Identify Priority Housing sites, update Housing Element and complete rezoning by September 2023.

Consider Heart of the City Items from 2019-20 Work Program as appropriate:

Amend the Heart of the City Specific Plan:

- 1) For clarifications the minimum street side set back requirements.
- 2) To review street tree requirements to allow larger trees increase diversity of tree type and encourage drought tolerant and native tree types.
- 3) Update sections such as transit corridors in the City.
- 4) Maintain existing setbacks and consider minimum retail percentage to maintain a commercial strip.

Approved with ~~Moore~~-Chao polling no.

16. Support for the Unhoused combining:

- Homeless Jobs Program

- City Plan to End Homelessness

~~These items should be combined into formulating~~ **Formulate** a City plan to address the issue of the unhoused and how to provide services in as effective a manner as possible with the resources available. A specific plan would be generated which includes

CC 05-03-2022

Item No. 8

Consider adopting a resolution authorizing continued remote teleconference meetings for May 3, 2022 to June 2, 2022

Written
Communications

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#); [Jim Throop](#)
Subject: 2022-05-03 CC Mtg Agenda Item #8 Continuing Remote Teleconference Meetings
Date: Saturday, April 30, 2022 5:19:58 PM

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

Dear City Council,

I have 2 requests:

1. Continue permanently the hybrid remote teleconference meetings for all the meetings held in the Community Hall.
2. For all commission meetings held elsewhere, PLEASE make them hybrid, too. If that is not possible, PLEASE leave them on Zoom, not in person.

Although the pandemic has been horrible and way too long, one discovery for me and many others has been that having the commission meetings on Zoom has provided:

- ACCESS AND INCLUSION for many more people. People who work long hours, parents that can't leave their children alone, the disabled, people who are tight on time, seniors who don't like to drive at night, etc.
- LESS PARKING REQUIRED if some people are attending remotely
- COVID - for those who are not ready to meet in person or those who are immune compromised or have loved ones who are compromised, attending remotely gives them access.
- SUSTAINABILITY because we don't have to drive to attend so less CO2 for gas powered vehicles.
- CHEAPER for attendees, due to the high cost of gas, many of us are limiting our driving trips.
- CHEAPER AND MORE CONTROL for the city because when an important item is being discussed if a large portion of the audience is remote, there is less need for space, sheriff support and unruly speakers can easily be muted.
- LESS CONFUSION AND SPACE. Many people, me included, don't really know where all these little rooms are located in City Hall. There's no map posted with their names. That little conference room near the lobby is very small. If all the commissioners are present and the staff then there's very little room for an observer to attend. It is a very tight space.
- LIKELIHOOD OF MORE COMMISSIONERS. Many working people work long hours or travel. If the city provides the ability for commissioners to attend remotely then they can participate no matter where they are. Also, if they work long hours, they can take a "break" to attend a commission meeting from work.
- TRANSPARENCY. Having the commission meetings on Zoom provides recordings of the proceedings which can be available for those who could not view the meeting live. Many approved meeting minutes are not available for weeks/months so having a recording available is fast. Also, a recording is much more informative than the current style of meeting minutes which are mostly procedural descriptions rather than informational.

Please continue remote meetings and make the hybrid model a permanent model. Thank you to the IT Department for making it possible at all!

Sincerely,
Peggy Griffin

From: [Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#); [Jim Throop](#)
Subject: Re: 2022-05-03 CC Mtg Agenda Item #8 Continuing Remote Teleconference Meetings
Date: Saturday, April 30, 2022 6:28:11 PM

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.

A few more reasons I forgot to mention...

- TRANSPORTATION NOT REQUIRED. Those who do not have access to transportation would benefit.
- NOISE REDUCTION around the City Hall area would be reduced.
- LESS TRAFFIC CONGESTION around the City Hall area.

Sincerely,
Peggy Griffin

On Apr 30, 2022, at 5:19 PM, Peggy Griffin <Griffin@compuserve.com> wrote:

Dear City Council,

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- LESS CONFUSION AND SPACE. Many people, me included, don't really know where all these little rooms are located in City Hall. There's no map posted with their names. That little conference room near the lobby is very small. If all the commissioners are present and the staff then there's very little room for an observer to attend. It is a very tight space.
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Please continue remote meetings and make the hybrid model a permanent model. Thank you to the IT Department

for making it possible at all!

Sincerely,
Peggy Griffin

CC 05-03-2022

Item No. 22

Consider proposed
resolutions for submission
to the United States
Conference of Mayors
Annual Meeting held
from June 3-6, 2022

Written Communications

Statement of Mayor Darcy Paul Regarding Proposed Resolutions by the City of Cupertino to the
United States Conference of Mayors

Thank you to my colleagues on the Cupertino City Council for considering my proposed Resolutions to the upcoming United States Conference of Mayors, which will be taking place next month, from June 2nd to June 6th.

With regard to the proposed Resolutions set forth this evening, I appreciate your leave to make a few comments. These three proposed Resolutions are entitled, first, "Accurate Public Information in a Digital Age"; second, "Financial Disclosure of Special-Interest Lobbying"; and third, "Democratic Principles for Open and Effective Public Discourse."

Colleagues, I am not asking for monetary support with these proposed Resolutions, but I do very strongly believe that the principles represented and espoused within them are critically important for us, not just as a community, but as a society, to be able to function effectively.

Let me share with you a recent experience along these lines. People often say to me, "Why doesn't our local newspaper cover local news of import to the community?" That is an excellent question. From my perspective, it is not for a lack of trying. I have repeatedly during my terms in elected office asked our local reporters to cover our local events of significance. But instead of doing so, it frequently turns out to be the case that there is no interest in doing so.

In fact, exactly this happened last week. I was asked by a reporter for a local publication about prior comments during a study session on Cupertino's lobbying ordinance, which does exist and which is not unique. You would think that the ability to have some actual efficacy to an ordinance that requires people who are being paid to represent special interests to disclose the fact that they are being paid to affect the decisions of government officials would not even be remotely newsworthy. You would think that, instead, the Library in our City, which sees nearly a million patrons a year despite being the only Library in the Santa Clara County Library system not having a dedicated public-meeting space, would make news when we go through years-long community-wide efforts to deliver precisely that type of space to the community and public, would be newsworthy. But no. Apparently a request to cover the latter is not even worth the courtesy of a response from the reporter.

That is one reason why I think that we need to support the proposed Resolution regarding lobbying. We need to stand with the side of disclosure if moneyed interests are seeking to determine decision-making in our democratic process. That is an absolute pre-requisite to intelligent and informed decision-making. That is the subject of my second proposed Resolution. Similarly, the first Resolution, regarding accurate public information, is also critically necessary to support. This is self-evident. If the public is being presented with inaccurate and untruthful information posing as, for instance, news, then this is a disservice to our democratic process. This is about efficacy in decision-making. We have a system that is about freedom, but

it is also about self-governance and informed decision-making. Do we have a problem? My answer to this is, yes, we absolutely have a problem, and we need as a society to address the spread of misinformation and lies in our electoral process in a manner that preserves our freedoms, on the one hand, but also recognizes that the underlying core value of the notion that we have a democracy of the people, by the people and for the people, is that the people must be able to have trust in the information set forth in front of them when engaging in the process of democratic decision-making.

Finally, I ask your support for the third proposed Resolution, which relates to how we are to proceed not just with preventing the corruption of our system, but realizing and continuing to enhance its promise. We are so very fortunate to have each other. I absolutely and unwaveringly acknowledge that point. And I know that our system is premised upon, among other factors, checks and balances to ensure that, for instance, the agglomeration of power does not adhere towards smaller and smaller groups in the population. But I also believe that if we look at any given issue that may seem intractable, we can also break that issue down into parts dealing with currently existing interests, theoretical solutions, and then policy-making that can help address the influences and requirements of the former and encourage the development of the latter. My point here is that, if we have open and honest conversations, that is precisely what our system of governance is about. I have been most opposed in my experiences in public office to those instances where any of these parts have devolved. Where we mislead for personal or financial gain. Where we smear for no reason other than not even a sense that the ends justify the means but because we want what we want and we think that some person or people are getting in the way, but because we go down this road too far, we lose our ability to think at all. Where we don't think through the steps needed to go about solving a problem comprehensively and successfully.

And this is exactly where we stand right now, colleagues. We are at a critical inflection point in democracy. Do we allow paid-for outright lies, on any and every side of an issue, to continue to erode our conversations? Do we allow moneyed interests to continue with activities heedless of the actual repercussions of undisclosed paid-for lobbying? Do we allow the system to become so corrupted that those who are fighting and sacrificing to solve our problems are the ones who are pilloried? Is every mechanism that we have to enlighten, to elevate and to improve, subject to greed and gaslighting to a degree that the quality of the conversation and the results mean nothing at all? I submit to you, respectfully, that if we let this continue, then it is not a community that is at stake and in jeopardy. It is every community. It is the system itself.

On the other hand, if we remember our starting principles, and we remember why we are spending the time here today, communicating with each other, trying to bring to light and air concerns, trying to understand not in the vacuum of accuracy or informed by enmity causing us to attack each other anonymously, then we have something unique, worth preserving, worth sacrificing for, and worth constantly re-examining and improving. We have a system that strives to listen and to understand, and we are every one of us then truly lucky to have each other as colleagues in bringing forth these types of understandings and solutions.

Thank you for your kind and thoughtful consideration of these proposed Resolutions. While the proposed Resolutions are perhaps not of a typical style in that they do not ask for financial support, everything in my background and experience tells me that they are the principles that we as a society must support, and that this is the time, this inflection point in technology, in health, and in congregation, to take such a stand. And I thank you, my fellow Councilmembers, for standing with me as we have worked together to reach out to each and every part of this community and beyond in order to have more open and direct communications. We all know what the real work entails, and that it is not always easy or pleasant, which is to say that mostly it is difficult and stressful. I thank you for your fellowship and integrity, and I ask for your support here.

CC 05-03-2022

Item No. 23

FY 2022-23 Fee Schedule
Update

Written
Communications

Miles Imwalle
D (415) 772-5786
mimwalle@coblenzlaw.com

May 3, 2022

VIA ELECTRONIC MAIL ONLY

Chris Jensen
City Attorney
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

Re: FY 2022-2023 Park In-Lieu Fee and Transportation Impact Fee

Dear Chris:

I am writing on behalf of Valco Property Owner LLC (VPO) to object to the City's proposed actions regarding its Park Land Dedication In-Lieu Fee ("Park In-Lieu Fee") and Transportation Impact Fee for Fiscal Year (FY) 2022-23.

I. Park In-Lieu Fee

Earlier this month, the City proposed to increase its Park In-Lieu Fee rates for FY 2022-23 by 30% based on a March 2022 appraisal, which was the subject of my letter to you dated April 19, 2022. The City has now withdrawn that proposal and is instead proposing to keep the Park In-Lieu Fee at FY 2021-22 rates. The current proposal to keep the Park In-Lieu Fee at FY 2021-22 rates is a challengeable action on the part of the City. Because the City is required to "update" the fair market value used in setting the Park In-Lieu Fee annually, the City will be taking action on the Park In-Lieu Fee even if it chooses not to change the fee rates. (See Cupertino Municipal Code 13.080.060(B), (C).)

VPO objects to the City's proposal to set the Park In-Lieu Fee at FY 2021-22 rates. The City used the same methodology to set the FY 2021-22 rates as it used to calculate the revised rates that it proposed earlier this month to adopt for FY 2022-23. The FY 2021-22 rates therefore suffer from the same fatal flaws identified in my April 19 letter and the City's proposal is problematic for all of the legal and policy reasons set out in that letter, which is incorporated here by reference.

It bears repeating that the City's methodology is legally unsupportable. It is the City's burden to show that it used a "valid method . . . for imposing the fee in question," and a method is only valid if it "established a reasonable relationship between the fee charged and the burden posed by the development." (*Home Builders Ass'n of Tulare/Kings Counties, Inc. v. City of Lemoore* (2010) 185 Cal.App.4th 554, 561). In estimating how much it would cost the City to acquire new parkland, the March 2021 appraisal on which the City relied to set FY 2021-22 fees, like the

Chris Jensen
May 3, 2022
Page 2

City's March 2022 appraisal, assumed that (1) the City would purchase the most valuable parcels in the City—entitled residential and mixed-use sites—and (2) it would purchase and assemble existing single-family-house lots. In reality, the City has no intention of acquiring these very-high-value parcels and converting them to parks. To do so would be inconsistent with the City's historical practice of converting lower value sites into parks, has no basis in either the General Plan and the Parks Master Plan, and would defy common sense. The City cannot lawfully set park fees based on the cost of buying some of the highest-value parcels, "untethered from whether the City actually plans to" acquire those parcels and convert them to parks. (See *Boatworks, LLC v. City of Alameda* (2019) 35 Cal.App.5th 290, 300 (fee "calculation that is based" on an assumption unsupported by City's "actual[] plans . . . is not reasonably related to the burden posed by anticipated new development").) "A fee based in significant part on costs the City will not incur . . . does not have a reasonable relationship to the cost of the public facility attributable to the development." (*Id.*) The City's approach artificially inflates the fee and is not valid.

The City's methodology is problematic for the additional reason that it is based exclusively on the purported costs of acquiring parkland, whereas the City will use all or most of the Park In-Lieu Fees to upgrade existing park facilities instead. The City's park system already includes 3.7 acres of parks per 1,000 residents,¹ well in excess of the General Plan's goal of three acres per 1,000 residents, so there is not an immediate need to acquire additional parkland. The Parks Master Plan has many ideas for park upgrades and no suggestions for acquisitions, other than Lawrence Mitty, which the City recently acquired. That is, the City has no current plans to acquire any land for park purposes and therefore it is unlikely that the City will use the fees to acquire new parkland. Under *Boatworks*, if the City does not intend to acquire new parkland, it cannot base Park In-Lieu Fees on the cost of acquiring new parkland. Instead, the fee must be calculated based on the intended use of the funds: park improvements.

Using the fees for improvements rather than acquisitions is also consistent with City policy and practice. Appendix G to the Parks Master Plan states that Park In-Lieu Fees are "used to acquire new parkland or *fund capital improvements at existing recreation and park facilities* which will serve the new units." (Cupertino Parks and Recreation System Master Plan, Appendix G, at G-2.) Further, the City does, in fact, spend the fees on capital improvements. For example, the FY 2021-22 budget included \$1 million from the Park In-Lieu Fees fund to repurpose drained ponds in Memorial Park. In the last decade, there has been very little park acquisition; Park In-Lieu Fees are instead spent on capital improvement projects. Under *Boatworks*, it is impermissible to justify a park fee based on the cost of acquisition when the intended use of the funds is capital improvements.

¹ Parks and Recreation System Master Plan, February 2020 ("Parks Master Plan"), at 51.

Chris Jensen
May 3, 2022
Page 3

II. Transportation Impact Fee

The Cupertino Transportation Impact Fee Nexus Study (“TIF Nexus Study”) underlying the City’s Transportation Impact Fee, which the City is proposing to amend and readopt, is also flawed. The TIF Nexus Study states that the TIF “revenue will be used to fund additional transportation capacity necessary to accommodate growth.” That is, the purported nexus is that the new infrastructure will create roadway capacity for new development. However, this connection is not established. Of the \$59,780,125 in costs allocated to the TIF program in the TIF Nexus Study (2017 dollars), \$49,721,096, or 83%, was for bicycle and pedestrian improvements. This allocation was flawed for two reasons: (1) the bike/ped improvements are not intended to create capacity to accommodate new development, so there is not a nexus, and (2) even if they were allowed, the City has attributed an excessive share of the costs to new development.

The need for these bike/ped improvements is not to create capacity for new growth, but rather the need is to address existing safety issues (unrelated to new development) and to implement City policy to promote bicycling and walking as alternative modes of transit. The City has many General Plan policies that seek to encourage bike and pedestrian connectivity, but those policies are unconnected to growth; they are simply policy goals to be more bike and ped friendly. Many of the bike/ped improvements identified in the 2017 Nexus Study were derived from the 2016 Bicycle Transportation Plan. That Plan established a broad citywide vision for “an exceptional bicycling environment that supports active living and healthy transportation choices, provides for safer bicycling, and enables people of all ages and abilities to access jobs, school, recreation, shopping, and transit on a bicycle as a part of daily life.” (Bicycle Transportation Plan, p. 2-19.) To accomplish these goals, the Bicycle Transportation Plan included a prioritized list of projects, which was based on a detailed “Needs Analysis.” At no point does that analysis suggest that the new improvements are needed to accommodate new development, but rather the analysis identified dangerous intersections or areas where connectivity could be enhanced. That is, the improvements address these existing substandard conditions. Therefore, the purpose of the improvements funded by the TIF is not to create capacity for new growth, as the TIF Nexus Study purports, but rather to improve existing conditions. For these reasons, the City has failed to establish a “reasonable relationship between the fee charged and the burden posed by the development.” (*See Home Builders Ass’n of Tulare/Kings Counties, Inc. v. City of Lemoore* (2010) 185 Cal.App.4th 554, 561.)

This is further shown by the fact that the TIF funded improvements are distributed throughout the City, rather than focused in areas with new growth, which further shows that they are unrelated to growth. The General Plan divides the City into two categories – Special Areas and Neighborhoods – with virtually all future growth occurring in Special Areas. While no growth is planned in the Neighborhoods, they contain many proposed bike improvements that would be paid for by the TIF. For example, virtually all of the City south of McLellan Road consists of Neighborhoods, but there are numerous bike/ped improvements proposed in this area. There is

Chris Jensen
May 3, 2022
Page 4

no relationship between the growth that will occur in Special Areas and the bike/ped improvements proposed in the Neighborhoods, so it is improper to include those in the TIF.

Even if these improvements could properly form the basis of the TIF, the TIF Nexus Study attributes an outsized allocation to new development. In particular, the study "allocate[s]" a 50.2% share of the cost of these improvements "to New Development," but the only justification for doing so is that 49.8% of the trips both start and end outside of Cupertino. However, since fees must be based on the impact of new development, not existing impacts, the only way the City could allocate 50.2% of the costs to new development would be if all 50.2% of the trips that start or end (or both) within Cupertino are related to new development, which is obviously not the case. In fact, the study contains no analysis of what proportion, if any, of the need for the improvements is caused by new development. (*Shapell Indus., Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 236 (City must "determine which portion," if any, of the need for the impact fee "is attributable to new development and . . . therefore which portion of the total cost of new facilities should be allocated to the developer").)

* * * *

For these reasons, we object to the proposals (1) to adopt the FY 2021-22 rates for the Park In-Lieu Fee and (2) to adopt the increased Transportation Impact Fee.

Sincerely,



Miles Imwalle

CC: Jim Throop, City Manager
Reed Moulds, Sand Hill Property Company, Managing Director

CC 05-03-2022

Item No. 25

Consideration of
Municipal Code
amendments, and
codify the Economic
Development
Committee

Written
Communications

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2022-05-03 CC Mtg Agenda Item #25 Codify Econ Dev Committee
Date: Saturday, April 30, 2022 8:57:32 PM

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

Dear City Council and Staff,

I'd like to thank the Council and Staff for finally making the Economic Development Committee an official committee. As an official committee, the public can expect regular agendas posted and meeting minutes along with agenda item materials to review.

I'd like to emphasize that as stated on the Staff Report Page 1 of 4, under "Powers and Functions", that the Econ Dev Committee "SHALL be to serve in an advisory capacity to the City Council..." NOT the Chamber! It is not intended to be a forum for the Chamber to quietly influence the City Staff policy and direction!

I have 2 suggestions:

SUGGESTION #1 - Change the membership list to be

- 2 City Council members
- 4 Cupertino business representatives, and state "ideally each from different sectors such as Technology, Retail, Hospitality/Tourism, Restaurant or Entertainment. Also, a mixture from big and small businesses."
- 1 Cupertino resident, ideally business owner
Q: Does their business need to be in Cupertino?

This would give some selection flexibility yet give a preference for membership diversity across sectors. Please note that "Retail" and "Restaurant" are different!

Also, although it is important for the city and the Chamber to have a good working relationship, the Chamber should not have a specific voting seat reserved for them. It is likely that several of the business representatives will be Chamber members anyway but it should not be required. It is also likely that a Chamber representative will attend these meetings anyway and speak on items of interest. They should not have a designated seat. They are a lobbying group.

SUGGESTION #2 - Specify who is the City Staff liaison for this committee

- Economic Development Manager

This clarifies who the city contact point would be for this committee.

In the future, if the committee has time, it would be wonderful if they could look into:

1. Look at all the Neighborhood Commercial Centers. Some are very successful and others struggle.
 - a. Why? Is there a combination of stores that make it work?
 - b. Is there a manager that works well?
 - c. Is it the leasing agreements?
 - d. Provide a list or referrals for struggling centers.
2. Mixed use does not work in Cupertino
 - a. Why?
 - b. Is the size of the retail spaces the problem? If so, what min/max sizes are needed? What features are needed to entice businesses to lease?
 - c. What size is needed for a grocery store? For a clothing store? Shoe store? Etc

- d. What DOES work? Is it retail surrounded by housing but not mixed into it?
- 3. Audit what businesses we have in Cupertino?
 - a. What do we need and where?
 - b. Why do we have so many banks? There's no sales tax.

Thank you,
Peggy Griffin

CC 05-03-2022

Item No. 26

Accounts Payable Report
Ending
December 20, 2021

I Love Cupertino Invoices

Desk Item



Cupertino Chamber of Commerce

20455 Silverado Avenue
Cupertino, CA 95014

Invoice No.

41618

FY 17-18
Acct: 100-12-120-700-702

INVOICE

Customer

Name City of Cupertino
Address 10300 Torre Ave
City Cupertino State CA ZIP 95014
Attn: Angela Tsui

Date 4/16/18
Order No. _____
Rep _____
FOB _____

Qty	Description	Unit Price	TOTAL
1	I Love Cupertino Project Domains FaceBook Pages Project conceptualized Building content for social media Website design & layout	\$5,000.00	\$5,000.00

Payment Details

- ☐ Cash
☒ Check
☐ Credit Card

Name _____
CC # _____
Expires _____

SubTotal	\$5,000.00
TOTAL	\$5,000.00

Office Use Only

Payment Due Upon Receipt



ILoveCupertino.org

Development and Maintenance Services Proposal

Prepared On
April 18, 2018

Proposed Services

ILoveCupertino will deliver an exceptional visitor experience and serve as the gateway to Cupertino as a destination for business or pleasure. The following services are included in our proposed service package:

- Domain Acquisition and Maintenance
- In-person and Online Visitor Concierge
- Service Content Creation and Updates
- Program Promotions
- 24/7 Digital Platform Monitoring

Personal Service

The Cupertino Chamber of Commerce staff will provide ILoveCupertino-branded concierge service to all online and in-person inquiries and transactions.

Content Updates

As we create, gather and organize new content for the web pages and social media, the Cupertino Chamber of Commerce will publish to the sites, along with images and videos. We will also manage and update meta tags for SEO when publishing content.

Minor changes to the website's copy, images, or layout can be made on an ongoing basis at your request, so long as those changes do not require changing more than 25% of the website in a given month. If more in-depth changes are required, a statement of work will be created with separate pricing for services to be negotiated.

Program Promotions

Programs, promotions and merchandise will be conducted regularly with all eligible businesses, as determined by the city of Cupertino.

Pricing

The following table details pricing for the above described service package. This pricing is a one-year term.

Name	Price	Months	Subtotal
Content creation and scheduling Creation, collection, and scheduling of thematic and promotional narratives Proximity to innovation Destination for dreamers and innovators Wineries Open space Parks Families Award-winning public-school systems	\$5,000.00	1	\$5,000.00
Design and Development Concept implementation and integrated marketing design (keeping it fresh)	\$1,000.00	12	\$12,000.00
Website Maintenance Monthly Fee and content management tools	\$1,200.00	12	\$14,400.00
Promotions and Relationship Management Business community coordination and integration	\$500.00	12	\$6,000.00

Total \$37,400.00

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino, CA 95014-4439

phone: (408) 252-7054
fax: (408) 252-0638
admin@cupertino-chamber.org

Invoice			
City of Cupertino Angela Tsui 10300 Torre Ave Cupertino, CA 95014		Invoice Date: 06/03/2019 Invoice #: 11182 Due Date: 06/03/2019	
I LOVE CUPERTINO PROJECT			
ITEM	QUANTITY	RATE	AMOUNT
Database Subscription	1	\$197.66	\$197.66
Website Hosting	1	\$154.55	\$154.55
Website Maintenance	10	\$150.00	\$1,500.00

Total: \$1,852.21

OK to pay!

[Signature]

Please charge to Econ Dev 2018-2019 FY

100-12-705 - 700 - 702

(I love Cupertino - VirtualVisitors Website)

Invoice


Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 08/01/2019
Invoice #: 11349
Due: 08/01/2019

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	2	\$197.66	\$395.32
I Love Cupertino Project Website Hosting	2	\$154.55	\$309.10
I Love Cupertino Project Website Maintenance	10	\$150.00	\$1,500.00
Invoice:			\$2,204.42
Balance:			\$2,204.42

Okay to pay! 

Please change to Encoder # 100-12-705 700-702

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 08/01/2019
Invoice #: 11349
Due: 08/01/2019

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$2204.42**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 10/15/2019
Invoice #: 11579
Due: 10/15/2019

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	10	\$150.00	\$1,500.00
Invoice:			<u>\$1,852.21</u>
Balance:			<u><u>\$1,852.21</u></u>

OK to pay! [Signature]

Please change to Econ Dev # 100-12-705 700-702

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 10/15/2019
Invoice #: 11579
Due: 10/15/2019

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$1852.21**

Invoice


Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 11/04/2019
Invoice #: 11638
Due: 11/04/2019

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	10	\$150.00	\$1,500.00
Invoice:			<u>\$1,852.21</u>
Balance:			<u><u>\$1,852.21</u></u>

ok to pay! 

Please charge to Econ Dev # 100-12-705 700-702

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 11/04/2019
Invoice #: 11638
Due: 11/04/2019

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$1852.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 12/06/2019
Invoice #: 11703
Due: 12/06/2019

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	15	\$150.00	\$2,250.00
Invoice:			\$2,602.21
Balance:			\$2,602.21

okay to pay! [Signature]

Please change to Form Dev # 100-12-705 700-702

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 12/06/2019
Invoice #: 11703
Due: 12/06/2019

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$2602.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 02/05/2020
Invoice #: 11879
Due: 02/05/2020

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	12	\$150.00	\$1,800.00
Invoice:			\$2,152.21
Balance:			\$2,152.21

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 02/05/2020
Invoice #: 11879
Due: 02/05/2020

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$2152.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 01/03/2020
Invoice #: 11755
Due: 01/03/2020

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	10	\$150.00	\$1,500.00
Invoice:			\$1,852.21
Balance:			\$1,852.21

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 01/03/2020
Invoice #: 11755
Due: 01/03/2020

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$1852.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 03/02/2020
Invoice #: 11930
Due: 03/02/2020

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	15	\$150.00	\$2,250.00
Invoice:			\$2,602.21
Balance:			\$2,602.21

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 03/02/2020
Invoice #: 11930
Due: 03/02/2020

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$2602.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 04/01/2020
Invoice #: 11981
Due: 04/01/2020

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	10	\$150.00	\$1,500.00
Invoice:			\$1,852.21
Balance:			\$1,852.21

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 04/01/2020
Invoice #: 11981
Due: 04/01/2020

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$1852.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 05/04/2020
Invoice #: 12094
Due: 05/04/2020

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	10	\$150.00	\$1,500.00
Invoice:			\$1,852.21
Balance:			\$1,852.21

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 05/04/2020
Invoice #: 12094
Due: 05/04/2020

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$1852.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 06/05/2020
Invoice #: 12129
Due: 06/05/2020

Description	Quantity	Rate	Amount
I Love Cupertino Project Database Subscription	1	\$197.66	\$197.66
I Love Cupertino Project Website Hosting	1	\$154.55	\$154.55
I Love Cupertino Project Website Maintenance	10	\$150.00	\$1,500.00
Invoice:			\$1,852.21
Balance:			\$1,852.21

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 06/05/2020
Invoice #: 12129
Due: 06/05/2020

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$1852.21**

Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 12/13/2020
Invoice #: 12492
Due: 12/13/2020

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Membee Complete Subscription - Website & Database	6	\$352.00	\$2,112.00
July 2020 thru Dec 2020			
		Invoice:	\$2,112.00
		Balance:	\$2,112.00

City of Cupertino
Angela Tsui
10300 Torre Ave
Cupertino CA 95014

Date: 12/13/2020
Invoice #: 12492
Due: 12/13/2020

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Amount Due: **\$2112.00**



Cupertino Chamber of Commerce

20455 Silverado Avenue
Cupertino, CA 95014

Invoice No.

30119

INVOICE

Customer

Name City of Cupertino
Address 10300 Torre Ave
City Cupertino State CA ZIP 95014
Attn: Angela Tsui

Date 3/1/19
Order No. _____
Rep _____
FOB _____

Qty	Description	Unit Price	TOTAL
1	I Love Cupertino Logo concept & design	\$1,000.00	\$1,000.00
7	Website Hosting (Aug 2018 thru Feb 2019)	\$154.55	\$1,081.85
7	Database Subscription (Aug 2018 thru Feb 2019)	\$197.66	\$1,383.62
145	Website concept, design, layout and deployment	\$150.00	\$21,750.00

SubTotal \$25,215.47

Payment Details

- ☐ Cash
☒ Check
☐ Credit Card

Name _____
CC # _____
Expires _____

TOTAL \$25,215.47

Office Use Only

Payment Due Upon Receipt



Invoice

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

Phone: (408) 252-7054
Fax: (408) 252-0638
Website: <https://www.cupertino-chamber.org>
Email: admin@cupertino-chamber.org

City of Cupertino
Kristina Alfaro
10300 Torre Ave
Cupertino CA 95014

Date: 06/04/2021
Invoice #: 12806
Due: 06/04/2021

Description	Quantity	Rate	Amount
I Love Cupertino Project			
Membee Complete Subscription - Website & Database	6	\$352.00	\$2,112.00
Jan 2021 thru Jun 2021			
		Invoice:	\$2,112.00
		Balance:	\$2,112.00

City of Cupertino
Kristina Alfaro
10300 Torre Ave
Cupertino CA 95014

Date: 06/04/2021
Invoice #: 12806
Due: 06/04/2021

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino CA 95014-4439

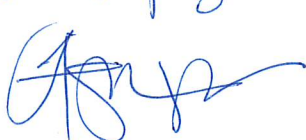
Amount Due: **\$2112.00**

Cupertino Chamber of Commerce
20455 Silverado Avenue
Cupertino, CA 95014-4439

phone: (408) 252-7054
fax: (408) 252-0638
admin@cupertino-chamber.org

Invoice			
City of Cupertino Angela Tsui 10300 Torre Ave Cupertino, CA 95014		Invoice Date: 05/04/2019 Invoice #: 11084 Due Date: 05/01/2019	
I LOVE CUPERTINO PROJECT			
ITEM	QUANTITY	RATE	AMOUNT
Database Subscription	2	\$197.66	\$395.32
Website Hosting	2	\$154.55	\$309.10
Website Maintenance	50	\$150.00	\$7,500.00

Total: \$8,204.42

OK to pay!


Please change to Ecom Dev 2018-2019 FY
100-12-705 700-702
(I love Cupertino Virtual Visitors Website)

CC 05-03-2022

Item No. 26

Consider
accepting
Accounts
Payable for the
period ending
December 20,
2021

Written
Communications

From: [Kirsten Squarcia](#)
To: [Kitty Moore](#)
Cc: [City Clerk](#)
Subject: RE: May 3, 2022 Agenda Item 26 Written Communications
Date: Tuesday, May 3, 2022 1:14:48 PM
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)

Good afternoon Kitty,

Your email has been received by the City Clerk's Office and will be added to the written communications for item number 26 on the May 3, 2022 City Council agenda.

I will have the item queued up on my laptop, in case you request that I share my screen.

Regards, Kirsten



Kirsten Squarcia

City Clerk
City Manager's Office
KirstenS@cupertino.org
[\(408\) 777-3225](tel:(408)777-3225)



From: Kitty Moore <ckittymoore@gmail.com>
Sent: Tuesday, May 3, 2022 1:10 PM
To: Kirsten Squarcia <KirstenS@cupertino.org>
Subject: May 3, 2022 Agenda Item 26 Written Communications

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 add the attached document to today's Council agenda item 26. This file shows that the Cupertino is a 501 (c) 6 lobbying organization with an associated PAC, the Cupertino Chamber of Commerce PAC (Chamber PAC).

The file also shows that the Chamber PAC, during just one form 460 filing, received \$100,000 from Sand Hill Property Company, which is the Vallco Property Owner, and the Chamber PAC supported the Hills at Vallco Measure D Ballot Measure, Opposed Measure C, Opposed Candidate and former Mayor, and current Planning Commission Chair Steven Scharf and Opposed CUSD board candidate and current City of Cupertino Vice Mayor Liang Chao. The Vice Mayor's CUSD campaign was successful.

The document also shows that the Chamber PAC supported current Councilmember Hung Wei's campaign in 2018 with approximately \$120,000. The Chamber PAC also supported candidates Orrin Mahoney and Savita Vaidhyanathan with \$120,000 each in the one form 460 shared for 2018 out of many filed and available in the City Records.

I would like the file to be available for a screen share as may be needed.

Thank you.

**Recipient Committee
Campaign Statement
Cover Page**

(Government Code Sections 84200-84216.5)

COVER PAGE

CALIFORNIA
FORM

460

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 07/01/2016
through 12/31/2016

Date of election if applicable:
(Month, Day, Year)



Page 1 of 12
For Official Use Only

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- ☐ Officeholder, Candidate Controlled Committee
☐ State Candidate Election Committee
☐ Recall
(Also Complete Part 5)
- ☒ General Purpose Committee
☒ Sponsored
☐ Small Contributor Committee
☐ Political Party/Central Committee
- ☐ Primarily Formed Ballot Measure Committee
☐ Controlled
☐ Sponsored
(Also Complete Part 6)
- ☐ Primarily Formed Candidate/Officeholder Committee
(Also Complete Part 7)

2. Type of Statement:

- ☐ Preelection Statement
☒ Semi-annual Statement
☐ Termination Statement
(Also file a Form 410 Termination)
- ☒ Amendment (Explain below)
- ☐ Quarterly Statement
☐ Special Odd-Year Report
☐ Supplemental Preelection Statement - Attach Form 495

UPDATED SCHEDULE D

3. Committee Information

I.D. NUMBER
1299673

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
CUPERTINO CHAMBER OF COMMERCE PAC

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

Treasurer(s)

NAME OF TREASURER

ANDREW WALTERS

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and under penalty of perjury under the laws of the State of California that the foregoing

attached schedules is true and complete. I certify

Executed on 2/8/2017
Date

Executed on
Date

Executed on
Date

Executed on
Date

By
Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

By
Signature of Controlling Officeholder, Candidate, State Measure Proponent

By
Signature of Controlling Officeholder, Candidate, State Measure Proponent

FPPC Form 460 (Jan/2016)

FPPC Advice: advice@fppc.ca.gov (866/275-3772)
www.fppc.ca.gov

Schedule A Monetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE A

Statement covers period from <u>07/01/2016</u> through <u>12/31/2016</u>	CALIFORNIA FORM 460
Page <u>4</u> of <u>12</u>	I.D. NUMBER <u>1299673</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

CUPERTINO CHAMBER OF COMMERCE PAC

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
07/01/2016	KEITH WARNER [REDACTED]	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	MANAGING PARTNER PACIFIC WORKPLACES	100.00	100.00	
08/22/2016	SAN JOSE WATER COMPANY [REDACTED]	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		1,000.00	1,000.00	
11/02/2016	SAND HILL PROPERTY COMPANY AND AFFILIATED ENTITIES [REDACTED]	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		6,906.66	25,000.00	
11/02/2016	SAND HILL PROPERTY COMPANY AND AFFILIATED ENTITIES [REDACTED]	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		5,023.12	25,000.00	
11/02/2016	SAND HILL PROPERTY COMPANY AND AFFILIATED ENTITIES [REDACTED]	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		650.53	25,000.00	

SUBTOTAL \$ 13,680.31

Schedule A Summary

- Amount received this period – itemized monetary contributions.
(Include all Schedule A subtotals.) \$ 26,100.00
- Amount received this period – unitemized monetary contributions of less than \$100 \$ 0.00
- Total monetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) **TOTAL \$** 26,100.00


*Contributor Codes
IND – Individual
COM – Recipient Committee
(other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Schedule A (Continuation Sheet) Monetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE A (CONT.)

Statement covers period		CALIFORNIA FORM 460
from	07/01/2016	
through	12/31/2016	Page 5 of 12
NAME OF FILER		I.D. NUMBER
CUPERTINO CHAMBER OF COMMERCE PAC		1299673

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
11/02/2016	SAND HILL PROPERTY COMPANY AND AFFILIATED ENTITIES 	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		12,419.69	25,000.00	
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
SUBTOTAL \$				12,419.69		

*Contributor Codes

IND – Individual
 COM – Recipient Committee
 (other than PTY or SCC)
 OTH – Other (e.g., business entity)
 PTY – Political Party
 SCC – Small Contributor Committee

Schedule D
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees

Amounts may be rounded
to whole dollars.

Statement covers period		CALIFORNIA FORM 460	
from	07/01/2016		
through	12/31/2016	Page <u>6</u> of <u>12</u>	
		I.D. NUMBER 1299673	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

CUPERTINO CHAMBER OF COMMERCE PAC

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/31/2016	LIANG CHAO SCHOOL BOARD MEMBER CUPERTINO UNION SCHOOL DISTRICT	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	LIT	2,393.69	6,219.25	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
10/31/2016	MEASURE C CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input checked="" type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure	LIT	2,393.69	17,695.92	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
10/31/2016	MEASURE D CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input checked="" type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure	LIT	2,393.69	2,393.69	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
SUBTOTAL \$				7,181.07		

Schedule D Summary

- Contributions and independent expenditures made this period of \$100 or more. (Include all Schedule D subtotals.) \$ 34,921.81
- Unitemized contributions and independent expenditures made this period of under \$100 \$ 0.00
- Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.) **TOTAL \$** 34,921.81

**Schedule D
(Continuation Sheet)
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees**

Amounts may be rounded
to whole dollars.

SCHEDULE D (CONT.)

Statement covers period		CALIFORNIA FORM 460
from	07/01/2016	
through	12/31/2016	Page <u>7</u> of <u>12</u>
NAME OF FILER		I.D. NUMBER
CUPERTINO CHAMBER OF COMMERCE PAC		1299673

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/31/2016	STEVEN SCHARF City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	LIT	2,393.69	6,219.25	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
10/31/2016	MEASURE B COUNTY OF SANTA CLARA	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	LIT	2,393.70	2,393.70	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
11/01/2016	LIANG CHAO SCHOOL BOARD MEMBER CUPERTINO UNION SCHOOL DISTRICT	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	LIT	1,921.84	6,219.25	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
11/01/2016	MEASURE C CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input checked="" type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure	LIT	7,687.37	17,695.92	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
SUBTOTAL \$				14,396.60		

**Schedule D
(Continuation Sheet)
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees**

Amounts may be rounded
to whole dollars.

SCHEDULE D (CONT.)

Statement covers period from 07/01/2016 through 12/31/2016	CALIFORNIA FORM 460
Page 8 of 12	

NAME OF FILER

CUPERTINO CHAMBER OF COMMERCE PAC

I.D. NUMBER

1299673

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
11/01/2016	STEVEN SCHARF City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	LIT	1,921.84	6,219.25	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
11/03/2016	LIANG CHAO SCHOOL BOARD MEMBER CUPERTINO UNION SCHOOL DISTRICT	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	LIT	1,903.72	6,219.25	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
11/03/2016	MEASURE C CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input checked="" type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure	LIT	7,614.86	17,695.92	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
11/03/2016	STEVEN SCHARF City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	LIT	1,903.72	6,219.25	
	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose					
SUBTOTAL \$				13,344.14		

Recipient Committee
Campaign Statement
Cover Page

(Government Code Sections 84200-84216.5)

COVER PAGE

RECEIVED JAN 31 2019 CUPERTINO CITY CLERK	CALIFORNIA FORM 460
	Page <u>1</u> of <u>13</u> For Official Use Only

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 10/21/2018
through 12/31/2018

Date of election if applicable:
(Month, Day, Year)

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- | | |
|---|--|
| <input type="checkbox"/> Officeholder, Candidate Controlled Committee
<input type="radio"/> State Candidate Election Committee
<input type="radio"/> Recall
<i>(Also Complete Part 5)</i> | <input type="checkbox"/> Primarily Formed Ballot Measure Committee
<input type="radio"/> Controlled
<input type="radio"/> Sponsored
<i>(Also Complete Part 6)</i> |
| <input checked="" type="checkbox"/> General Purpose Committee
<input checked="" type="radio"/> Sponsored
<input type="radio"/> Small Contributor Committee
<input type="radio"/> Political Party/Central Committee | <input type="checkbox"/> Primarily Formed Candidate/Officeholder Committee
<i>(Also Complete Part 7)</i> |

2. Type of Statement:

- | | |
|--|---|
| <input type="checkbox"/> Preelection Statement | <input type="checkbox"/> Quarterly Statement |
| <input checked="" type="checkbox"/> Semi-annual Statement | <input type="checkbox"/> Special Odd-Year Report |
| <input type="checkbox"/> Termination Statement
(Also file a Form 410 Termination) | <input type="checkbox"/> Supplemental Preelection Statement - Attach Form 495 |
| <input type="checkbox"/> Amendment (Explain below) | |

3. Committee Information

I.D. NUMBER
1299673

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
CUPERTINO CHAMBER OF COMMERCE PAC

STREET ADDRESS (NO P.O. BOX)

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY _____ STATE _____ ZIP CODE _____ AREA CODE/PHONE _____

OPTIONAL: FAX / E-MAIL ADDRESS

Treasurer(s)

NAME OF TREASURER

RICHARD ABDALAH

MAILING ADDRESS

NAME OF ASSISTANT TREASURER, IF ANY

SAMUEL HARVEY

MAILING ADDRESS

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 1/29/19
Date

Executed on _____
Date

Executed on _____
Date

Executed on _____
Date

By _____

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent

FPPC Form 460 (Jan/2016)

FPPC Advice: advice@fppc.ca.gov (866/275-3772)

www.fppc.ca.gov

Schedule D
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees

Amounts may be rounded
to whole dollars.

Statement covers period		CALIFORNIA FORM 460	
from	10/21/2018	Page	5 of 13
through	12/31/2018	I.D. NUMBER	1299673

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

CUPERTINO CHAMBER OF COMMERCE PAC

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/26/2018	HUNG WEI City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF CANVASSING	7,222.23	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	HUNG WEI City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF CNS	1,111.11	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	HUNG WEI City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF WEB	1,111.11	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
SUBTOTAL \$				9,444.45		

Schedule D Summary

- Contributions and independent expenditures made this period of \$100 or more. (Include all Schedule D subtotals.) \$ 29,610.36
- Unitemized contributions and independent expenditures made this period of under \$100 \$ 0.00
- Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.) **TOTAL \$** 29,610.36

Schedule D
(Continuation Sheet)
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees

Amounts may be rounded
to whole dollars.

SCHEDULE D (CONT.)

Statement covers period from <u>10/21/2018</u> through <u>12/31/2018</u>		CALIFORNIA FORM 460
Page <u>6</u> of <u>13</u>		
NAME OF FILER CUPERTINO CHAMBER OF COMMERCE PAC		I.D. NUMBER 1299673

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/26/2018	HUNG WEI City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF LIT	425.67	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	ORRIN MAHONEY City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF CANVASSING	7,222.23	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	ORRIN MAHONEY City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF CNS	1,111.11	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	ORRIN MAHONEY City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF WEB	1,111.11	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
SUBTOTAL \$				9,870.12		

Schedule D
(Continuation Sheet)
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees

Amounts may be rounded
to whole dollars.

SCHEDULE D (CONT.)

Statement covers period		CALIFORNIA FORM 460
from 10/21/2018		
through 12/31/2018		Page 7 of 13
NAME OF FILER		I.D. NUMBER
CUPERTINO CHAMBER OF COMMERCE PAC		1299673

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/26/2018	ORRIN MAHONEY City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF LIT	425.67	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	SAVITA VAIDHYANATHAN City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF CANVASSING	7,222.23	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	SAVITA VAIDHYANATHAN City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF CNS	1,111.11	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
10/26/2018	SAVITA VAIDHYANATHAN City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF WEB	1,111.11	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
SUBTOTAL \$				9,870.12		

Schedule D
(Continuation Sheet)
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees

Amounts may be rounded
to whole dollars.

SCHEDULE D (CONT.)

Statement covers period		CALIFORNIA FORM 460
from	10/21/2018	
through	12/31/2018	Page 8 of 13
NAME OF FILER		I.D. NUMBER
CUPERTINO CHAMBER OF COMMERCE PAC		1299673

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/26/2018	SAVITA VAIDHYANATHAN City Council Member CITY OF CUPERTINO	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	IND OF LIT	425.67	29,870.00	
	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose					
		<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose					
		<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose					
		<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose					
SUBTOTAL \$				425.67		

Part II Signature Block	
Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge	
Sign Here	***** Signature of officer
	2019-11-14 Date
	ANDREW WALTERS PRESIDENT Type or print name and title
Paid Preparer Use Only	Print/Type preparer's name
	Preparer's signature
	Date 2019-11-14
	Check <input type="checkbox"/> if self-employed PTIN P01568974
	Firm's name ▶ WHEELER ACCOUNTANTS LLP
	Firm's EIN ▶ 26-1508234
	Firm's address ▶ 1475 SARATOGA AVE STE 100 SAN JOSE, CA 951294951
	Phone no (408) 252-1800

Part II Fundraising Events. Complete if the organization answered "Yes" on Form 990, Part IV, line 18, or reported more than \$15,000 of fundraising event contributions and gross income on Form 990-EZ, lines 1 and 6b. List events with gross receipts greater than \$5,000.

		(a) Event #1	(b) Event #2	(c) Other events	(d)
		<u>DIWALI FESTIVAL</u> (event type)	<u>LUNAR NEW YEAR</u> (event type)	<u>5</u> (total number)	Total events (add col (a) through col (c))
Revenue	1 Gross receipts	112,400	23,800	58,486	194,686
	2 Less Contributions				
	3 Gross income (line 1 minus line 2)	112,400	23,800	58,486	194,686
Direct Expenses	4 Cash prizes				
	5 Noncash prizes				
	6 Rent/facility costs				
	7 Food and beverages				
	8 Entertainment				
	9 Other direct expenses	39,295	10,076	27,234	76,605
	10 Direct expense summary Add lines 4 through 9 in column (d) ▶				76,605
	11 Net income summary Subtract line 10 from line 3, column (d) ▶				118,081

Part III Gaming. Complete if the organization answered "Yes" on Form 990, Part IV, line 19, or reported more than \$15,000 on Form 990-EZ, line 6a.

		(a) Bingo	(b) Pull tabs/Instant bingo/progressive bingo	(c) Other gaming	(d) Total gaming (add col (a) through col (c))
Revenue	1 Gross revenue				
Direct Expenses	2 Cash prizes				
	3 Noncash prizes				
	4 Rent/facility costs				
	5 Other direct expenses				
	6 Volunteer labor	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	
7 Direct expense summary Add lines 2 through 5 in column (d) ▶					
8 Net gaming income summary Subtract line 7 from line 1, column (d) ▶					

9 Enter the state(s) in which the organization conducts gaming activities _____

a Is the organization licensed to conduct gaming activities in each of these states? ☐ Yes ☐ No

b If "No," explain _____

10a Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year? ☐ Yes ☐ No

b If "Yes," explain _____

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 7B	EACH REGULAR MEMBER IS ENTITLED TO ONE VOTE ON EACH MATTER SUBMITTED TO A VOTE OF THE MEMBERS

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 12C	MEMBERS, OFFICERS, AND DIRECTORS ARE REQUIRED TO EXERCISE THE DUTY OF CARE AND LOYALTY

SCHEDULE R
(Form 990)

Department of the Treasury
Internal Revenue Service

Related Organizations and Unrelated Partnerships

▶ Complete if the organization answered "Yes" on Form 990, Part IV, line 33, 34, 35b, 36, or 37.
▶ Attach to Form 990.
▶ Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No 1545-0047

2018

Open to Public Inspection

Name of the organization
CUPERTINO CHAMBER OF COMMERCE

Employer identification number
94-1501489

Part I Identification of Disregarded Entities

Complete if the organization answered "Yes" on Form 990, Part IV, line 33.

(a) Name, address, and EIN (if applicable) of disregarded entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Total income	(e) End-of-year assets	(f) Direct controlling entity

Part II Identification of Related Tax-Exempt Organizations

Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related tax-exempt organizations during the tax year.

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Exempt Code section	(e) Public charity status (if section 501(c)(3))	(f) Direct controlling entity	(g) Section 512(b)(13) controlled entity?	
						Yes	No
(1)CUPERTINO CHAMBER PAC 20455 SILVERADO AVE CUPERTINO, CA 95014 26-0482223	PAC	CA	527		N/A		No

From: Kirsten Squarcia
To: Kitty Moore
CC: City Clerk
Subject: RE: May 3, 2022 Agenda Item 26 Written Communications Responsive.pdf
Date: Tuesday, May 3, 2022 11:29:35 AM
Attachments:
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)
[Screenshot 2022-05-03 at 11:29:35 AM.png](#)

Good morning Kitty,
 Your email has been received by the City Clerk's Office and will be added to the written communications for item number 26 on the May 3, 2022 City Council agenda.

I will have the items queued up on my laptop, in case you request that I share my screen.

Regards, Kirsten



From: Kitty Moore <ckittymoore@gmail.com>
Sent: Tuesday, May 3, 2022 11:21 AM
To: Kirsten Squarcia <KirstenS@cupertino.org>
Subject: May 3, 2022 Agenda Item 26 Written Communications Responsive.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 the attached file and images for today's City Council meeting item 26.

I would like these two images available for a screen share if possible:



Community Hall Rental Contract

City of Cupertino Recreation & Community Services Department
 10185 North Stelling Road
 Cupertino, CA 95014
 Phone: (408) 777-3120 Fax: (408) 777-3137

Printed: 30 Mar 2022, 02:20 PM

User: rubenr

Contract #: 19009 **User:** rubenr
Date: 07 May 2018 **Status:** Closed

The City of Cupertino Recreation & Community Services Department, 10185 N Stelling Road, Cupertino, CA 95014-5733, hereby grants CITY OF CUPERTINO (hereinafter called the "Licensee") represented by ANGELA TSUI, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto, all of which form part of this Agreement.

- i) Purpose of Use Meeting
 CITY OF CUPERTINO//LAC
- ii) Conditions of Use RESERVATION SUBJECT TO DEPARTMENTAL APPROVAL, VERIFICATION OF FEES, DATES, AND TIMES. UPON APPROVAL, A FIRM RENTAL CONTRACT / PERMIT WILL BE MAILED TO YOU.
- iii) Date(s) and Time(s) of Use Expected: 40

Facility/Equipment	Day	Start Date	Start Time	End Time	Fee	XFee	Tax	Total	
Community Hall - Community Hall	Fri	01 Jun 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	13 Jul 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	03 Aug 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	07 Sep 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	05 Oct 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	02 Nov 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial
Community Hall - Community Hall	Fri	07 Dec 2018	12:30 PM	02:00 PM	\$0.00	\$0.00	\$0.00	\$0.00	Initial

iv) Additional Fees

v) Payment Method

Rental Fees	Extra Fees	Tax	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$0.00	\$0.00	\$0.00	\$0.00	<returned>	\$0.00	\$0.00	\$0.00

Rental charges are due according to the following schedule:

User: rubenr

Contract #: 19009

Date: 07 May 2018

User: rubenr

Status: Closed

WAIVER, RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, to whom an Exclusive Use Permit has been granted (hereinafter, "Permittee"), shall hold harmless and indemnify the City of Cupertino, its city council, employees, agents, servants, and volunteers against any and all liability, claims, losses, damages or expenses arising from the event or activities of Permittee, its officers, agents or employees; excluding, however, such liability, claims, losses, damages or expenses arising from the City's sole negligence or willful acts. Permittee shall be liable to the City for any and all damages to parks, facilities, and buildings owned by the City arising from the activities of Permittee or any participant in said activity.

I understand that I am renting and using the City property in its current condition, I have had an opportunity to inspect the property, and there have been no representations of the construction, condition, or safety of the property. In consideration of acceptance of my application for rental of property, I hereby RELEASE, DISCHARGE, AND AGREE NOT TO SUE the City of Cupertino, the City Council, officials, officers, agents, employees, or volunteers (collectively, "City") to the fullest extent legally possible from any injury, death, or damage or loss to personal property arising out of, or in connection with, my rental of the property from whatever cause, including the active or passive negligence of City or any other participants in the activity. I understand that City does not guarantee the construction, condition, or safety of the facilities where the activity is taking place.

In consideration for being permitted for the rental of property, I hereby agree, for myself, my heirs, administrators, executors, and assigns, that I shall indemnify and hold harmless the City of Cupertino, the City Council, officials, officers, agents, employees, or volunteers (collectively, "City") from any and all claims, demands, actions or suits arising out of or in connection with my participation in the activity or rental of the property.

I have carefully read this agreement and fully understand its contents. I am aware that it is a full release of all liability and sign it on my own free will.

Cancellation of reservation must be made at least 30 calendar days prior to your reservation date in order for your rental fees to be refunded.

Initial

I hereby agree to provide a certificate of commercial general liability insurance with the City of Cupertino listed as an additional insured in the amount of \$1,000,000 per occurrence if required.

Initial

I, the undersigned, hereby agree to be present for the entirety of my event. I agree to be present for both a pre-event inspection and a post-event inspection of the rental facility and understand that my signature will be required on any inspection reports.

Initial

Functions exceeding the permitted reservation time shall be charged 1.5 times the associated hourly fee for anytime to the first half hour and 1.5 times the associated fee for every half hour there after.

Initial

X:

ANGELA TSUI

CITY OF CUPERTINO
10300 TORRE AVE
CUPERTINO CA 95014
Home: (408)777-3200
Fax: (408)

Business: (408)

X:

KELSEY HAYES

INTERIM RECREATION SUPERVISOR
Cupertino Recreation & Community Services Dept

Date Approved:

Mailing address if different from above:

From: [Kirsten Sequencia](#)
To: [Kirsten Sequencia](#)
Cc: [Kirsten Sequencia](#)
Subject: Re: May 3, 2022 Agenda Item 26 Written Communications: Trademark Electronic Search System (TESS)
Date: Monday, May 2, 2022 11:20:26 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Good morning Kity,
Your email has been received by the City Clerk's Office and will be added to the written communications for item number 26 on the May 3, 2022 City Council agenda.
Regards, Kirsten



Kirsten Sequencia
City Clerk
City of Cupertino
ksequencia@cupertino.org
[408.253.3329](tel:408.253.3329)

From: Kity Moore <kittymoore@gmail.com>
Sent: Tuesday, May 2, 2022 11:12 AM
To: Kirsten Sequencia <ksequencia@cupertino.org>
Subject: May 3, 2022 Agenda Item 26 Written Communications: Trademark Electronic Search System (TESS)

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 add the following to today's agenda item 26, it is the US Trademark search for I Love Cupertino which has the owner/appllicant shown as Cupertino Chamber of Commerce and the Attorney of record as Joseph Ryan Fruen. I would like this to be available for a screen share during the presentation.

**United States Patent and Trademark Office**
[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#)
Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:17:22 EDT 2022

[TESS Home](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE ONLY](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

I LOVE CUPERTINO

Word Mark	I LOVE CUPERTINO
Goods and Services	IC 025. US 022 039. G & S: clothing, namely t-shirts, sweatshirts, shorts, sweatpants, hats, caps IC 035. US 100 101 102. G & S: Promoting the city of Cupertino and promoting its economic development. FIRST USE: 20190901. FIRST USE IN COMMERCE: 20190901
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	90189650
Filing Date	September 17, 2020
Current Basis	1A;1B
Original Filing Basis	1A;1B
Published for Opposition	January 11, 2022
Owner	(APPLICANT) Cupertino Chamber of Commerce CORPORATION CALIFORNIA 20455 Silverado Ave Cupertino CALIFORNIA 95014
Attorney of Record	Joseph Ryan Fruen
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUPERTINO" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS Home](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE ONLY](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#); [Jim Throop](#); [Christopher Jensen](#)
Subject: 2022-05-03 CC Mtg Agenda Item #26 CHAMBER accounts payable Dec. 20, 2021
Date: Saturday, April 30, 2022 8:32:49 PM

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

Dear City Council,

QUESTIONS/CONCERNS:

#1 – Website hosting...Staff Report Page 4 of 5

Q1: Why are the prices all over the place? Where were they hosting and what kind of contract was it? Are we paying for the Chamber's website, too? What's included?


This is way too high based on prices I have seen for website hosting! This is public funds. We should have access to the actual cost.

\$1,081.85 for Website hosting FY 17-18

\$1,700 for Website hosting FY 18-19

\$464 for Website hosting FY 19-20

? for Website hosting FY 20-21

Fiscal Year	Cost
FY 17-18	\$30,215 <ul style="list-style-type: none">- Logo concept and design (\$1,000)- Website hosting (\$1,081.85)- Database subscription (\$1,383.62)- Domains, Project Conceptualization, Building content for social media, Facebook pages, Website design and layout (\$5,000)- Website concept, design, layout, deployment (\$21,750)
FY 18-19	\$25,175 <ul style="list-style-type: none">- Data subscription (\$2,175)- Website hosting (\$1,700)- Website & Maintenance (\$21,300)
FY 19-20	\$5,557 <ul style="list-style-type: none">- Data subscription (\$593)- Website hosting (\$464)- Website Maintenance (\$4,500)
FY 20-21 	\$4,224 <ul style="list-style-type: none">- Member management subscription for business directory (\$352/month)
FY 21-22	\$0
Total	\$65,170

#2 – Database subscription (see above, Staff Report page 4 of 5)

Q2: Why are the prices all over the place? What database subscription with whom? Is it being used for Chamber purposes, too? Are we subsidizing their activities with this subscription? Again, this is public money so we should have access to the actual costs.

\$1,383.62 for Database subscription FY 17-18

\$2,175.00	for Database subscription FY 18-19
\$593.00	for Database subscription FY 19-20
??	for Database subscription FY 20-21

#3 – Future scope of work with the Chamber of Commerce

See REQUEST #3 below.

#4 – I love Cupertino program (Staff Report Page 5 of 5)

This SHOULD NOT BE maintained by the Chamber of Commerce! The calendar they have is a Chamber Calendar, not a city calendar that promotes city events! This only promotes Chamber related/sponsored events yet the public is paying for it! Festivals that are not “Chamber events” don’t show up. The Sunday Farmers Market, the Friday Farmers Market, etc. should be listed. People visiting Cupertino would be interested in that.

Our IT department should be maintaining this website, not a lobbying group. There are businesses in our community that are not members of the Chamber yet they should be able to be promoted and engaged in this website.

REQUESTS:

1. Please request copies of the invoices received by the Chamber for all the above website hosting and database subscriptions for the years 2015-2021.
2. Please DO NOT spend any more staff time on a Scope of Work for the “I love Cupertino” website with the Chamber! If the IT Department can’t handle it, do a RFP with a formalized scope of work.
3. A formal scope of work that defines exactly the relationship, expectations and deliverables between the Chamber and the City needs to be developed. The Chamber is a valuable organization that can provide business perspectives on issues BUT they should not get special privileges such as a “preview” of what the staff is thinking on an action that is not available also to the general public and other organizations! All organizations and the general public should have the same access.

Sincerely,
Peggy Griffin