



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, May 3, 2022**

**SPECIAL MEETING**

At 5:30 p.m., Mayor Darcy Paul called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None.

**STUDY SESSION**

1. Subject: Consider a Study Session on the Capital Improvements Program (CIP,) including review of the five-year CIP (Fiscal Year (FY) 22-27) and new proposed projects for FY 22-23

Recommended Action: Receive report on the five-year CIP (FY 22-27,) including new proposed projects for FY 22-23, requesting comments and direction

Presenter: Susan Michael, Capital Improvements Program Manager

Written Communications for this item included a staff presentation and emails to Council.

Capital Improvements Program Manager Susan Michael gave a presentation.

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

Peggy Griffin supported adding Torre Ave. to the properties list, a Memorial Park Master Plan, a design plan for Lawrence Mitty, and addressing City Hall with public input.

Housing Commissioner Tessa Parish (representing self) was concerned about City parking, the BBF Splash Pad cost, and use of funds for City Hall, and supported public input.

Jean Bedord supported starting the funding and planning process for the City Hall renovation replacement and library parking garage project.

Lisa Warren supported alternative options for the Blackberry Farm Splash Pad and the City Hall renovation and studying usage requirements.

Housing Commissioner Connie Cunningham (representing self) supported prioritizing the new City Hall study and was concerned about delaying a seismic retrofit and safety.

Jennifer Griffin supported the CIP report and prioritizing the Stocklmeir House as a farming historical site.

Larry Dean supported keeping the Carmen Road Bridge Project on the list.

Heather Dean supported prioritizing a City Hall rebuild and was concerned about employee safety and parking deficiencies.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Chao seconded that Council support putting forward 10455 Torre Avenue upgrades in the CIP to allow for office space use for City Hall employees. With regard to City Hall, Paul further moved that Council: provide direction to staff to reduce above-surface parking impacts; provide direction to staff to be conscious of costs and to provide a plan for cost-auditing; provide direction to staff that the City complete the process for securing a procurement officer for an auditing mechanism before proceeding with further estimates. Further, Paul moved that Council direct staff, in future years, to refer to the Planning Commission for input on the proposed CIP projects in addition to an assessment of conformance with the General Plan. Further, Paul moved that Council direct staff to inform Council and the public of what the funds for the Westport project park mitigation fees are being allocated towards. Further, Paul moved that Council direct staff to return to the public with a study session on Memorial Park consistent with or at least addressing the recommendations of the Parks & Recreation Master Plan. Council did not vote on this motion.

Wei moved and Chao seconded to continue the Study Session to the Regular Meeting. The motion carried unanimously.

## ADJOURNMENT

At 6:44 p.m., Mayor Paul adjourned the Special City Council Meeting.

### **REGULAR MEETING**

At 6:50 p.m., Mayor Darcy Paul called the Regular City Council Meeting to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

### **ROLL CALL**

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: None.

### **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamations honoring musicians from two Cupertino High Schools (Homestead-Cupertino Symphony Orchestra and Homestead Symphonic Wind Ensemble) for their performances at the Washington D.C. International Music Festival on April 16 and 17, 2022

Recommended Action: Present proclamations honoring musicians from two Cupertino High Schools (Homestead-Cupertino Symphony Orchestra and Homestead Symphonic Wind Ensemble) for their performances at the Washington D.C. International Music Festival on April 16 and 17, 2022

Homestead High School Associate Director of Bands Benjamin Scharf received the proclamations on behalf of the Homestead-Cupertino Symphony Orchestra and Homestead Symphonic Wind Ensemble.

Mayor Paul presented the proclamations honoring musicians from two Cupertino High Schools (Homestead-Cupertino Symphony Orchestra and Homestead Symphonic Wind Ensemble) for their performances at the Washington D.C. International Music Festival on April 16 and 17, 2022.

2. Subject: Proclamation commemorating the Eid al-Fitr holiday, honoring the end of Ramadan for members of the Islamic faith and celebrating religious freedoms for every member of the Cupertino community

Recommended Action: Present proclamation commemorating the Eid al-Fitr holiday, honoring the end of Ramadan for members of the Islamic faith and celebrating religious freedoms for every member of the Cupertino community

Written communication for this item included a desk item Eid al-Fitr Proclamation to the

West Valley Muslim Association.

Cupertino resident Leila Qureishi accepted the proclamations on behalf of the community.

Mayor Paul presented the proclamations commemorating the Eid al-Fitr holiday, honoring the end of Ramadan for members of the Islamic faith and celebrating religious freedoms for every member of the Cupertino community.

## **POSTPONEMENTS AND ORDERS OF THE DAY**

Moore moved and Willey seconded to move the Special Meeting Study Session Item 1 that was continued from 5:30 PM to directly after the Consent Calendar; and move Regular Meeting Agenda Item 26 before Item 25. The motion carried unanimously.

## **ORAL COMMUNICATIONS**

Written comments for this item included an email from Kiran Choudhry regarding the Planning Commission Housing Element process and emails from Jean Bedord regarding a Mercury News Letter to the Editor on the City Council and fiscal responsibility.

Lisa Warren supported renaming Lawrence-Mitty Park, a housing audit, a study of bike lanes and treatments prior to additional funding, and public input for BBF Splash Pad alternatives.

Peggy Griffin was concerned about the square footage of The Rise 2022 project when compared to the 2018 Vallco SB-35 project. (Submitted written comments).

Housing Commissioner Connie Cunningham (representing self) was concerned about the Housing Element displacing people from their homes and supported revising the report.

Jennifer Griffin was concerned about AB 1120 to allow housing on commercial site tech parks and office buildings ministerially, with no CEQA, and added density bonus.

Rick Kitson (representing self) generally discussed the Chamber of Commerce and supported a written agreement of expectations for anyone doing business with the City.

## **REPORTS BY COUNCIL AND STAFF (10 minutes)**

3. Subject: Brief reports on councilmember activities and brief announcements  
Recommended Action: Receive brief reports on councilmember activities and brief announcements

Council received brief reports on councilmember activities and brief announcements.

4. Subject: Report on Committee assignments  
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

5. Subject: City Manager update  
Recommended Action: Receive City Manager update on City business

Council received the City Manager update on City business.

#### **CONSENT CALENDAR (Items 6-22)**

Wiley moved and Moore seconded to approve Items 6, 7 as amended, and 11 on the Consent Calendar. Ayes: Paul, Chao, Moore, Wei, and Wiley. Noes: None. Abstain: None. Absent: None.

Moore moved and Wiley seconded to pull Items 8, 9, 10, and 22 for discussion and table Items 12 through 21 to the City Council meeting on May 17, 2022. Wiley withdrew his second to the motion for further discussion on Items 12 through 21. Council did not vote on this item.

Moore moved and Wiley seconded to pull Items 8, 9, 10, and 22 for discussion and table Items 12 through 21 for continuation to the Regular City Council Meeting on May 17, 2022. Ayes: Paul, Chao, Moore, Wei, and Wiley. Noes: None. Abstain: None. Absent: None.

Council recessed from 7:59 p.m. to 8:05 p.m.

6. Subject: Approve the April 19 City Council minutes  
Recommended Action: Approve the April 19 City Council minutes

Council approved this item on the Consent Calendar.

7. Subject: Approve the April 21 City Council minutes  
Recommended Action: Approve the April 21 City Council minutes

Written communications for this item included an Amended Attachment A - (Redline) Draft Minutes

Council approved this item on the Consent Calendar as amended.

8. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period May 3, 2022 through June 2, 2022 pursuant to the Brown Act, as amended by AB 361

Recommended Action: Adopt Resolution No. 22-050 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period May 3, 2022 through June 2, 2022 pursuant to the Brown Act, as amended by AB 361

Written communications for this item included emails to Council.

City Clerk Kirsten Squarcia reviewed the staff report.

Mayor Paul opened the public comment period.

Peggy Griffin supported permanently conducting hybrid meetings for meetings held in Community Hall and hybrid or remote for meetings held elsewhere.

Lisa Warren supported in-person and hybrid meetings for City Council and Planning Commission and in-person-only for certain commissions and committees.

Rhoda Fry supported an option for in-person meetings as well as a remote option for meetings.

Jennifer Griffin supported hybrid meetings and maintaining an in-person alternative.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Wei moved and Moore seconded to adopt Resolution No. 22-050 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period May 3, 2022 through June 2, 2022 pursuant to the Brown Act, as amended by AB 361. The motion carried unanimously.

9. Subject: Consider a donation from Marilyn Francesco for a memorial plaque to be placed on a bench in Memorial Park, in memory of Robin Andy.

Recommended Action: Authorize the following regarding a plaque in memory of Robin Andy.

- 1) Acceptance of the plaque donation
- 2) Wording of the plaque
- 3) Installation on a designated bench at Memorial Park

Parks and Recreation Director Joanne Magrini reviewed the staff report.

Mayor Paul opened the public comment period.

Rhoda Fry supported Council further discussing donating memorial plaques and benches.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Willey seconded that Council direct staff to bring back to Council proposed policy and procedures for considering requests for memorial plaques on City public property prior to consideration of further action on the current item, and that the current and any similar pending proposal be reconsidered subsequent to the results of the consideration by Council of proposed policy and procedures for memorial plaques. Council did not vote on this motion.

Chao moved and Moore seconded a substitute motion that Council direct staff to bring back to Council proposed policy and procedures for ~~considering requests for memorial plaques on City public property~~ considering requests for donation of objects on City public property, including potential locations for memorial plaques, prior to consideration of further action on the current item, and that the current and any similar pending proposal be reconsidered subsequent to the results of the consideration by Council of proposed policy and procedures for memorial plaques.

Paul made a friendly amendment to the substitute motion: that Council direct staff to bring back to Council proposed policy and procedures, including historical information regarding similar types of donations to the City in the past, for considering requests for donation of objects on City public property, including potential locations for memorial plaques, prior to consideration of further action on the current item, and that the current and any similar pending proposal be re-considered subsequent to the results of the consideration by Council of proposed policy and procedures for memorial plaques.

Chao made a friendly amendment to the substitute motion: that Council direct staff to bring back to Council proposed policy and procedures, including historical information regarding similar types of donations to the City in the past, for considering requests for donation of objects on City public property, including potential locations for memorial plaques, prior to consideration of further action on the current item, and that the current and any similar pending proposal be re-considered subsequent to the results of the consideration by Council of proposed policy and procedures for memorial plaques.

Further, that staff bring back to Council recommended policies and procedures regarding movement of donated objects on City property.

Chao and Moore accepted the friendly amendments to the substitute motion.

The amended substitute motion carried unanimously.

Final motion summary:

Chao moved and Moore seconded to direct staff to bring back to Council proposed policy and procedures, including historical information regarding similar types of donations to the City in the past, for considering requests for donation of objects on City public property, including potential locations for memorial plaques, prior to consideration of further action on the current item, and that the current and any similar pending proposal be re-considered subsequent to the results of the consideration by Council of proposed policy and procedures for memorial plaques. Further, that staff bring back to Council recommended policies and procedures regarding movement of donated objects on City property. The amended substitute motion carried unanimously.

Council recessed from 9:15 p.m. to 9:21 p.m.

10. Subject: Consider the Fiscal Year (FY) 2022-23 Community Development Block Grant (CDBG) Program and Below Market Rate (BMR) Affordable Housing Fund (AHF) funding allocations.

Recommended Action: Authorize the City Manager to execute FY 2022-23 CDBG and BMR AHF funding agreements

Written Communications for this item included a staff report.

Housing Manager Kerri Heusler gave a presentation.

Mayor Paul opened the public comment period.

Peggy Griffin asked about land acquisition allowances for affordable housing and protections for renters.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Chao seconded to authorize the City Manager to execute FY 2022-23 CDBG and BMR AHF funding agreements. The motion carried unanimously.



11. Subject: Consideration of Amended and Restated Agreement with the County of Santa Clara for Weed Abatement Services  
Recommended Action: Authorize the City Manager to execute an Amended and Restated Agreement with the County of Santa Clara to continue the Weed Abatement Program in Cupertino

Council approved this item on the Consent Calendar.

12. Subject: Consider accepting Accounts Payable for the period ending February 7, 2022  
Recommended Action: Adopt Resolution No. 22-036 accepting Accounts Payable for the period ending February 7, 2022

Council continued this item to the May 17, 2022 City Council meeting.

13. Subject: Consider accepting Accounts Payable for the period ending February 14, 2022  
Recommended Action: Adopt Resolution No. 22-037 accepting Accounts Payable for the period ending February 14, 2022

Council continued this item to the May 17, 2022 City Council meeting.

14. Subject: Consider accepting Accounts Payable for the period ending February 21, 2022  
Recommended Action: Adopt Resolution No. 22-038 accepting Accounts Payable for the period ending February 21, 2022

Council continued this item to the May 17, 2022 City Council meeting.

15. Subject: Consider accepting Accounts Payable for the period ending February 22, 2022  
MISC  
Recommended Action: Adopt Resolution No. 22-039 accepting Accounts Payable for the period ending February 22, 2022 MISC

Council continued this item to the May 17, 2022 City Council meeting.

16. Subject: Consider accepting Accounts Payable for the period ending February 28, 2022  
Recommended Action: Adopt Resolution No. 22-040 accepting Accounts Payable for the period ending February 28, 2022

Council continued this item to the May 17, 2022 City Council meeting.

17. Subject: Consider accepting Accounts Payable for the period ending March 7, 2022

Recommended Action: Adopt Resolution No. 22-041 accepting Accounts Payable for the period ending March 7, 2022

Council continued this item to the May 17, 2022 City Council meeting.

18. Subject: Consider accepting Accounts Payable for the period ending March 14, 2022  
Recommended Action: Adopt Resolution No. 22-042 accepting Accounts Payable for the period ending March 14, 2022

Council continued this item to the May 17, 2022 City Council meeting.

19. Subject: Consider accepting Accounts Payable for the period ending March 21, 2022  
Recommended Action: Adopt Resolution No. 22-043 accepting Accounts Payable for the period ending March 21, 2022

Council continued this item to the May 17, 2022 City Council meeting.

20. Subject: Consider accepting Accounts Payable for the period ending March 28, 2022  
Recommended Action: Adopt Resolution No. 22-044 accepting Accounts Payable for the period ending March 28, 2022

Council continued this item to the May 17, 2022 City Council meeting.

21. Subject: Consider accepting Accounts Payable for the period ending March 28, 2022  
MISC  
Recommended Action: Adopt Resolution No. 22-045 accepting Accounts Payable for the period ending March 28, 2022 MISC

Council continued this item to the May 17, 2022 City Council meeting.

22. Subject: Consider proposed resolutions for submission to the United States Conference of Mayors Annual Meeting held from June 3-6, 2022  
Recommended Action: Approve proposed resolutions for submission to the United States Conference of Mayors Annual Meeting held from June 3-6, 2022

Mayor Paul read a statement. (Submitted written comments).

Mayor Paul opened the public comment period.

Lisa Warren supported Mayor Paul's statement and approval of the item.

Peggy Griffin supported Mayor Paul's statement and approval of the item.

Jennifer Griffin supported Mayor Paul's statement and was concerned about loss of local control.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Willey seconded to approve proposed resolutions for submission to the United States Conference of Mayors Annual Meeting held from June 3-6, 2022. The motion carried unanimously.

Council recessed from 10:26 p.m. to 10:31 p.m.

#### **STUDY SESSION – CONTINUED FROM SPECIAL MEETING AT 5:30 PM**

Council continued the hearing, consideration, deliberation, and decisions for Item 1 (Study Session) on the Tuesday, May 3, 2022 City Council Special Meeting agenda. The public comment period remained closed.

1. Subject: Consider a Study Session on the Capital Improvements Program (CIP) including review of the five-year CIP (Fiscal Year (FY) 22-27) and new proposed projects for FY 22-23

Recommended Action: Receive report on the five-year CIP (FY 22-27) including new proposed projects for FY 22-23, requesting comments and direction

Chao moved and Willey seconded a substitute motion:

- City Hall Related:
  - Keep the description of the CY21-22 for "City Hall and Community Hall Improvements - Programming and Feasibility" until a separate agenda item is brought forward for an update and any request to modify the scope of the project.
    - Provide information on other public buildings that's 30 years or older and whether they have re-built it or only did earthquake retrofit.
  - Keep the description of the CY21-22 for "10455 Torre Avenue Improvements" and bring it to the Council to get direction on the long-term use of this facility before finalizing the programming and planning
- Memorial Park:
  - Prioritize Memorial Park Master Plan with 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”, as specified in FY19-20 CIP plan in order to comply with the Parks and Rec Master Plan approved by the City Council.
- Postpone the “Memorial Park – Pond Repurposing - \$3M “until the Memorial Park Master Plan is complete
  - For this item “Memorial Park – Amphitheater Improvements - \$1.15M”, it should first come to the Council agenda with proposed changes to seek Council direction and community input
  - Parks and Rec Master Plan related => get input from Parks and Rec Commission next year
    - Remove Major Recreational Facilities item (until the financing options of other unfunded projects are analyzed)
    - Remove Splash pad from Blackberry Farm project in order to comply with the Parks and Rec Master Plan to consider geographical diversity for water play areas.
  - Items to edit:
    - Consider either painted bike lane or bollards as separators on De Anza and provide options for the Bike & Ped and City Council to consider
  - Items Added:
    - add one item for funding for amenities for dog parks, such as fence or water dish, as new locations are identified.
    - Include Bollinger bike path improvement due to pedestrian accident and death (with staff recommendation)

Willey requested modifications to the substitute motion for use of funds for Memorial Park - Pond Repurposing and receive input from the Bicycle Pedestrian Commission for Bollinger Road Improvements. (Chao declined the modifications).

Chao made a friendly amendment to her substitute motion:

- More items added
  - EOC - examine the effects of the option of locating the EOC in allocation other than the City Hall
  - Bring back more detailed cost estimates of Carmen Bridge project

(Willey accepted the friendly amendment to the substitute motion).

Council did not vote on the substitute motion.

Paul moved and Chao seconded to bring this item back based upon the comments that Council provided this evening to a date certain at the May 17, 2022 City Council meeting. The motion carried unanimously.

Moore moved and Wei seconded to continue Items 23 through 26 (as reordered with Item 26

before Item 25) to the May 17, 2022 City Council meeting. The motion carried unanimously.

## SECOND READING OF ORDINANCES - None

## PUBLIC HEARINGS

23. Subject: Consider the Fiscal Year (FY) 2022-23 Fee Schedule Update (Continued from April 19, 2022)

Recommended Action: Adopt Resolution No. 22-049 approving FY 2022-23 Fee Schedule A, B, C, D and E effective July 1, 2022

Presenter: Thomas Leung, Senior Management Analyst

Written Communications for this item included a staff presentation, written comments by City Attorney Chris Jensen and an email to Council.

Council continued this item to the May 17, 2022 City Council meeting.

## ORDINANCES AND ACTION ITEMS

24. Subject: Consider conducting the first reading of an Ordinance related to regulation of single-use plastic foodware and single-use carryout bags (continued from April 19, 2022)

Recommended Action: Conduct the first reading of Ordinance No. 22-2239: "An Ordinance of the City Council of the City of Cupertino amending City Code to change the name of section 9.15, adopt new sections 9.15.090 and 9.15.125, and amend sections 9.15.100, 9.15.110, 9.15.120, 9.15.130, 9.17.130, and 9.17.140 to regulate the use of single-use food service ware by food providers, regulate sale of single-use food service ware and expanded polystyrene foam coolers, and regulate single-use carryout bags" (Attachment A), which includes a finding that adoption of the Ordinance is exempt from the California Environmental Quality Act (CEQA.)

Presenter: Ursula Syrova, Environmental Programs Manager

Written Communications for this item included a staff presentation.

Council continued this item to the May 17, 2022 City Council meeting.

As noted under Postponements and Orders of the Day, the agenda was reordered to place Item 26 before Item 25.

26. Subject: Consider accepting Accounts Payable for the period ending December 20, 2021

Recommended Action: Adopt Resolution No. 22-015 accepting Accounts Payable for the period ending December 20, 2021

Presenter: Katy Nomura, Deputy City Manager

Written Communications for this item included a staff presentation, Accounts Payable Report Ending December 20, 2021 - I Love Cupertino Invoices Desk Item, emails to Council, and written comments by Councilmember Moore.

Council continued this item to the May 17, 2022 City Council meeting.

25. Subject: Consideration of Municipal Code amendments to the Cupertino Municipal Code, Title 2 to add Chapter 2.96 and codify the Economic Development Committee (continued from April 19, 2022)  
Recommended Action: 1. Conduct the first reading of Ordinance No. 22-2240; "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.96 of Title 2 (Administration and Personnel) to Codify the Economic Development Committee"  
2. Find that the proposed actions are exempt from CEQA  
Presenter: Tina Kapoor, Economic Development Manager

Written Communications for this item included a staff presentation.

Council continued this item to the May 17, 2022 City Council meeting.

27. Subject: Consideration of a City Council summer recess and cancellation of meeting(s)  
Recommended Action: Consider a City Council summer recess and cancel any meetings  
Presenter: Kirsten Squarcia, City Clerk

City Clerk Kirsten Squarcia reviewed the staff report.

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

Councilmembers asked questions and made comments.

Paul moved and Chao seconded to cancel the August 2, 2022 meeting.

Paul modified his motion to cancel the August 2, 2022 and July 5, 2022 Regular Meetings and add a special meeting on July 7, 2022. (Chao accepted the modification). The modified motion carried unanimously.

**ORAL COMMUNICATIONS - CONTINUED (As necessary) – None**

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**COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Council did not hear this item.

**ADJOURNMENT**

At 11:53 p.m., Mayor Paul adjourned the Regular City Council Meeting to May 17, 2022.

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Kirsten Squarcia City Clerk