



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Thursday, May 19, 2022**

SPECIAL MEETING

At 5:30 p.m., Mayor Darcy Paul called the Special City Council Meeting to order. This was a teleconference meeting with no physical location.

ROLL CALL

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

POSTPONEMENTS AND ORDERS OF THE DAY

Wei moved and Willey seconded to continue Item 16 Recommendation from the Parks and Recreation Commission to approve funds in the amount of \$96,460.46 for the Fiscal Year 2022-2023 Community Funding Grant Program and approval of final funding amounts for the Community Funding Program, to be included in the Recommended Budget for Fiscal Year 2022-2023 to the City Council Meeting on June 7, 2022. The motion carried unanimously.

CONSENT CALENDAR (Items 1-14)

Willey moved and Wei seconded to approve the items on the Consent Calendar as presented except for Items 10 and 14 which were pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

1. Subject: Approve the April 26 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the April 26 City Council minutes
2. Subject: Approve the April 28 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the April 28 City Council minutes
3. Subject: Approve the May 2 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the May 2 City Council minutes

4. Subject: Approve the May 3 City Council minutes (Continued from May 17, 2022)
Recommended Action: Approve the May 3 City Council minutes
5. Subject: Consider setting a hearing date to declare brush with potential fire hazard a public nuisance and for objections to proposed removal through the Cupertino Brush Abatement Program WUI (Wildland-Urban Interface Fire Area); adopting a resolution declaring properties as having potential fire hazards from brush and authorizing removal (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-055 declaring properties as having potential fire hazards from brush; and set a hearing date of June 21, 2022 to declare brush with potential fire hazard a public nuisance and to hear objections to proposed removal
6. Subject: Set a voluntary campaign expenditure limit of \$34,470 for the November 8, 2022 City Council election (Continued from May 17, 2022)
Recommended Action: Adopt the Resolution No. 22-056 setting a voluntary campaign expenditure limit of \$34,470 for the November 8, 2022 City Council election
7. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period May 19, 2022 through June 18, 2022 pursuant to the Brown Act, as amended by AB 361 (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-057 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period May 19, 2022 through June 18, 2022 pursuant to the Brown Act, as amended by AB 361
8. Subject: Consider the FY 2020-21 Annual Comprehensive Financial Report (ACFR) and related supplemental reports (Continued from May 17, 2022)
Recommended Action: Accept the FY 2020-21 Annual Comprehensive Financial Report (ACFR) and related supplemental reports
9. Subject: Consider accepting the City Investment Policy (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-058 accepting the City Investment Policy
10. Subject: Consider accepting the Third Quarter Financial Report for Fiscal Year 2021-22; consider adopting Resolution 22-059 approving Budget Modification #2122-198 increasing appropriations by \$529,935 and revenues by \$9,448,487 (Continued from May 17, 2022)
Recommended Action: 1. Accept the City Manager's Third Quarter Financial Report for FY 2021-22.
2. Adopt Resolution 22-059 approving Budget Modification #2122-198 increasing appropriations by \$529,935 and revenues by \$9,448,487

Senior Management Analyst Thomas Leung gave a presentation.

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

Councilmembers asked questions and made comments.

Moore moved and Chao seconded to:

1. Accept the City Manager's Third Quarter Financial Report for FY 2021-22.
2. Adopt Resolution 22-059 approving Budget Modification #2122-198 increasing appropriations by \$529,935 and revenues by \$9,448,487

The motion carried unanimously.

11. Subject: Consider the 2022 Annual Pavement Report (Continued from May 17, 2022)
Recommended Action: Receive the 2022 Annual Pavement Report
12. Subject: Consider acceptance of Offers of Dedication and a Waiver of Future Reimbursement from the property owners at 10155, 10165, and 10420 Orange Avenue, related to the Orange Avenue Sidewalk Improvements Project (Continued from May 17, 2022)
Recommended Action: Adopt Resolution No. 22-060 (Attachment A) accepting the Offers of Dedication and Waiver of Future Reimbursement from the property owners at 10155, 10165, and 10420 Orange Avenue, related to the Orange Avenue Sidewalk Improvements Project
13. Subject: Consider award of a construction contract for the Orange Avenue Sidewalk Improvements Project (Project 2016-10.1) for the construction of sidewalk, curb, gutter, storm drainage modifications, and associated improvements on Orange Avenue, between McClellan Road and Stevens Creek Boulevard (Continued from May 17, 2022)
Recommended Action: Award a construction contract for the Orange Avenue Sidewalk Improvements Project, authorize the City Manager to execute a contract in the amount of \$1,738,875.00 with Redgwick Construction Company and authorize the Director of Public Works to execute any necessary change orders, up to the construction contingency amount of \$173,888.00 (10% of contract amount,) for a total authorized contract amount of \$1,912,763.00
14. Subject: Consider authorizing a Seventh Amendment of Agreement 15-206 between the City of Cupertino and Professional Turf Management extending the contract for six months and resulting in \$102,600 in maintenance related expenses for Fiscal Year 2022-2023 (Continued from May 17, 2022)
Recommended Action: Consider approving the Seventh Amendment of Agreement 15-

206 between the City of Cupertino and Professional Turf Management, to extend the term of the agreement up to six months and resulting in \$102,600 in maintenance related expenses for Fiscal Year 2022-2023

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

Councilmembers asked questions and made comments.

Chao moved and Moore seconded to:

- Approve the staff recommendation to Consider approving the Seventh Amendment of Agreement 15-206 between the City of Cupertino and Professional Turf Management, to extend the term of the agreement up to six months and resulting in \$102,600 in maintenance related expenses for Fiscal Year 2022-2023
- Bring it back as an informational item on June 7th:
 - With all versions of the contracts for transparency
 - Direct the staff report to include information on policy compliance, with links to corresponding policies and provide justifications on why the 6-month extension is needed before going out for a Request for Proposal (RFP)

The motion carried unanimously.

Council recessed between 6:46 p.m. and 6:52 p.m.

STUDY SESSION – CONTINUED FROM REGULAR MEETING ON MAY 17, 2022

Council continued the hearing, consideration, deliberation, and decisions for Item 41 (Study Session) on the Tuesday, May 17, 2022 City Council Regular Meeting agenda. The public comment period remained closed.

15. Subject: Initial Study Session on Fiscal Year (FY) 2022-23 Proposed Budget (Continued from May 17, 2022)
Recommended Action: Conduct Initial Study Session on Fiscal Year (FY) 2022-23 Proposed Budget and provide direction to staff

Councilmembers asked questions and made comments.

Chao moved and Moore seconded to direct staff to consider adding a legislative aide or government affairs position to support the City Council; and add a Deputy City Manager position specialized in planning outreach (to both the community and the developer and property owner community) to make strategic progress on important issues.

Moore made a friendly amendment to remove the Fixed Assets acquisition Budget Unit

630-90-985 Vehicles and Budget Unit 100-12-705 Special Project Fuse Fellow or Limited Term Analyst and return them as an appropriation request at a later date. (Chao accepted the friendly amendment).

Final motion:

Chao amended her motion to direct staff to:

- Add a full-time legislative aide/government relations position to support the City Council
- Add a full-time assistant deputy city manager position to oversee strategic planning and outreach, especially in legislative issues and advocacy, to oversee outreach to the communities (both residents, developers and property owners), and to oversee engagement with affordable housing developers on various ways to deliver low-income and middle-income housing
- Remove Budget Units and bring them back as budget amendment:
 - o remove Budget Unit 630-90-985 Fixed Assets
 - o Budget Unit 100-12-705 Special Project Fuse Fellow (or the Limited Term Analyst)

(Moore accepted the friendly amendment).

The amended motion carried with Wei voting no.

Council recessed from 9:20 p.m. to 9:26 p.m.

STUDY SESSION

16. Subject: Recommendation from the Parks and Recreation Commission to approve funds in the amount of \$96,460.46 for the Fiscal Year 2022-2023 Community Funding Grant Program and approval of final funding amounts for the Community Funding Program, to be included in the Recommended Budget for Fiscal Year 2022-2023 (Continued from May 17, 2022)

Recommended Action: Consider the recommendation from the Parks and Recreation Commission to approve funds in the amount of \$96,460.46 for the Fiscal Year 2022-2023 Community Funding Grant Program. Determine and approve final funding amounts for the Community Funding Program, to be included in the Recommended Budget for Fiscal Year 2022-2023; and provide direction to staff

Presenter: Rachelle Sander, Assistant Director of Parks and Recreation

As noted under Postponements and Orders of the Day, this item was continued to the City Council Meeting on June 7, 2022.

PUBLIC HEARINGS

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

May 17, 2022)

Recommended Action: Adopt Resolution No. 22-049 approving FY 2022-23 Fee Schedules A, B, C, D and E effective July 18, 2022

Presenter: Thomas Leung, Senior Management Analyst

Written Communications for this item included a staff presentation.

Senior Management Analyst Thomas Leung gave a presentation.

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

Councilmembers asked questions and made comments.

Moore moved and Chao seconded to adopt Resolution No. 22-049 approving the Fiscal Year (FY) 2022-23 Fee Schedules A, B, C, D, and E effective July 18, 2022, with a specification that “nonprofit” means “501c”, and the frequency of the fee study be changed to over five years in the future.

Chao made a friendly amendment that the study in the next fee schedule includes the different categories of cell towers to capture different efforts and different locations (Moore accepted the friendly amendment).

The amended motion carried unanimously.

Final motion:

Moore moved and Chao seconded to adopt Resolution No. 22-049 approving the Fiscal Year (FY) 2022-23 Fee Schedules A, B, C, D, and E effective July 18, 2022 as amended:

- with a specification that “nonprofit” means “501c”;
- the frequency of the fee study be changed to over five years in the future;
- the study in the next fee schedule will include the different categories of cell towers to capture different efforts and different locations

The amended motion carried unanimously.

ORDINANCES AND ACTION ITEMS

18. 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 May 17, 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.

Economic Development Manager Tina Kapoor gave a presentation.

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

Moore moved and Wei seconded to direct staff to come back with a modified ordinance with a membership of two Councilmembers, one technology representative, one retail representative, one hospitality representative, one Technology, Information, and Communication Commission (TICC) member, one Sustainability Commission member, one real estate representative, and one education representative (9 total members).

Chao made a substitute motion to direct the staff to bring the ordinance back with the following modifications to the membership requirement:

- Two Councilmembers
- Two Commissioners: Sustainability and TICC
- Two Cupertino residents with business experience
- Three representatives of Cupertino businesses - with priorities in Retail/Restaurant, Technology and Hospitality

There was no second and the substitute motion was not considered.

Paul made a friendly amendment to have staggered terms of five 2-year terms and four 4-year terms initially, and then five 4-year terms; and four 2-year terms initially, and then four 4-year terms. (Moore and Wei accepted the friendly amendment).

Moore amended the motion to add optional language that a majority of members must be Cupertino residents. (Wei accepted the friendly amendment).

Final motion:

Moore moved and Wei seconded to direct staff to come back with a modified ordinance:

- Membership (9 total members): two Councilmembers, one Technology, Information, and Communication Commission (TICC) member, one Sustainability Commission member, one technology representative, one retail representative, one hospitality representative, one commercial real estate representative, and one education representative (including local community college, nonpublic schools, after-schools, anyone offering educational services)

- Staggered Terms of Office: appointment of five members to 2-year terms and four members to 4-year terms for the first cycle, and then five members to 4-year terms; and four members to 2-year terms for the first cycle, and then four members to 4-year terms
- Include optional ordinance language that a majority of members must be Cupertino residents

The amended motion carried unanimously.

ADJOURNMENT

At 10:58 p.m., Mayor Paul adjourned the Special City Council Meeting.

Kirsten Squarcia City Clerk