



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, November 1, 2022

At 6:45 p.m., Mayor 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.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Consider a proclamation recognizing November as Lung Cancer Awareness Month
Recommended Action: Present proclamation recognizing November as Lung Cancer Awareness Month

El Camino Health District Board Chair Julia Miller received the proclamation.

Mayor Paul presented the proclamation recognizing November as Lung Cancer Awareness Month.

2. Subject: Consider a proclamation recognizing November as National Native American Heritage Month
Recommended Action: Present proclamation recognizing November as National Native American Heritage Month

Muwekma Ohlone Tribal Chairwoman Charlene Nijmeh received the proclamation.

Mayor Paul presented the proclamation recognizing November as National Native American Heritage Month.

3. Subject: Consider veterans appreciation proclamation honoring veterans and military families
Recommended Action: Present veterans appreciation proclamation honoring veterans

and military families

Dennis Whittaker and Colonel John Swensson received the proclamation.

Mayor Paul presented the veterans appreciation proclamation honoring veterans and military families.

Council recessed from 7:04 p.m. to 7:20 p.m.

Vice Mayor Chao and Councilmember Wei left the dais and attended the remainder of the meeting via teleconference.

POSTPONEMENTS AND ORDERS OF THE DAY

Paul moved and Moore seconded to move Item 17 to the Consent Calendar. The motion carried Unanimously.

ORAL COMMUNICATIONS

Planning Commissioner Muni Madhhipatla (representing self) was concerned about misinformation from campaign committees regarding non-profit organizations.

Parks and Recreation Commissioner Sashi Begur (representing self) supported Council's accomplishments, including development project approvals and the Housing Element process.

Tej and Nitu ceded their time to Sashi Begur.

Siva was concerned about an unhoused person on Portal Avenue and supported safety outreach and assistance on the matter.

Housing Commissioner Tessa Parish (representing self) supported Council's work on the Housing Element process.

Eric Couch was concerned about a compliant Housing Element process and supported creating a fair share housing plan.

Call-In-User_1 was concerned about the City requiring removal of an unpermitted structure in their backyard.

Jennifer Griffin was concerned about newly signed housing bills, including AB 2097 for reducing parking minimums and AB 2011 for housing on retail land.

Yvonne Thorstenson was concerned about the Housing Element process and lack of affordable housing and supported developing a housing plan with diverse community input.

Alexander Pieb was concerned about housing affordability and loss of local control and supported diverse community input in the Housing Element process.

Sean Hughes was concerned about slow progress in the Housing Element process and State compliance and supported more homes in Cupertino.

Yuko Shima was concerned about available funding for below market rate housing and supported building a dormitory to support unhoused people.

Sheng-Ming Egan supported submitting the Housing Element plan before the deadline, alternative forms of housing, and addressing housing needs.

Genevieve Kolar was concerned about delays in completing the Housing Element update and lack of affordable housing.

Shivani Kavuluru supported building affordable housing and creating a successful Housing Element plan with community input.

Kamyab Mashian was concerned about the City's Housing Element and meeting the State deadline and supported community input during the process.

San R opposed previous Council approvals to allocate land for office projects instead of housing projects and developers slowing delivery of housing units.

Planning Commissioner Steven Scharf (representing self) supported the Council's Housing Element site selection and exceeding the State's RHNA requirement.

Julie Moncton was concerned about the Housing Element process, meeting the State deadline, loss of local control, and supported reinstating the Stakeholder Group.

Andy Debaets supported a housing plan and maintaining control of building in Cupertino.

Edwyn Castillo was concerned about the Housing Element process and missing the State deadline and lack of affordable housing.

John Zhao was concerned about the Housing Element process and meeting the State deadline and supported diverse community engagement.

Rhoda Fry supported Planning Commission analysis of the Housing Element and was concerned about filming activities at Lehigh and dust control at Vallco. (Submitted written comments).

Lisa Warren was concerned about misinformation in public comments regarding the Housing Element process.

Jean Bedord was concerned about Housing Element process delays and Council management of the process and meeting the State deadline.

Housing Commissioner Connie Cunningham (representing self) was concerned about delays in the Housing Element process and meeting the State deadline and supported changes. (Submitted written comments).

Emma was concerned about the Housing Element process and meeting the State deadline.

Neil McClintick, representing Cupertino for All, supported diverse community input in the Housing Element process and was concerned about meeting the State deadline. (Submitted written comments).

Gilbert Wong was concerned about comments by Councilmember Moore on social media and supported changes in leadership.

City Clerk Kirsten Squarcia read emails from the following people:

- Stanley Young, representing IFPTE Local 21/CEA, was concerned about comments by Councilmember Moore on social media.
- Caitlyn Huang was concerned about misinformation on political mailers, candidates declining voluntary campaign spending limits, and school closures.

REPORTS BY COUNCIL AND STAFF

4. 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.

5. Subject: Report on Committee assignments

Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

6. Subject: Report on Subcommittee assignments

Recommended Action: Report on Subcommittee assignments

Councilmembers reported on Subcommittee assignments.

7. Subject: City Manager update

Recommended Action: Receive City Manager update on City business

Council received the City Manager update on City business.

8. Subject: City Manager's Office - City Work Program Update

Recommended Action: Receive update regarding the City Work Program

Acting Assistant to the City Manager Astrid Robles gave a presentation.

Council received the update regarding the City Work Program.

Council recessed from 9:28 p.m. to 9:33 p.m.

Paul moved and Moore seconded to reopen Postponements and Orders of the Day. The motion carried unanimously.

Paul moved and Moore seconded to move Item 17 to the Consent Calendar. The motion carried unanimously.

CONSENT CALENDAR (Items 9-13 and 17)

Moore moved and Willey seconded to approve Items 9, 10, 12, 13, and 17 on the Consent Calendar, including Item 17 which was added to the Consent Calendar, and with the exception of Item 11 which was pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

9. Subject: Consider approval of the October 18 City Council minutes

Recommended Action: Approve the October 18 City Council minutes

10. Subject: Consider adopting a resolution authorizing continued remote teleconference

meetings of the legislative bodies of the City of Cupertino for the period November 1, 2022 through December 1, 2022 pursuant to the Brown Act, as amended by AB 361

Recommended Action: Adopt Resolution No 22-132 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period November 1, 2022 through December 1, 2022 pursuant to the Brown Act, as amended by AB 361

11. Subject: Consider approval of the Electric Vehicle Parking Expansion Request for Proposals (RFP)

Recommended Action: 1. Approve a purchasing exemption per Cupertino Municipal Code (CMC) Section 3.22.060(B) waiving the formal competitive bidding process; and 2. Approve the Electric Vehicle Parking Expansion RFP to provide electric vehicle charging stations at six City of Cupertino properties

Written communications about this item included emails to Council.

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

San R was concerned about cyber security risks.

Rhoda Fry supported the project going to bid, removing Blackberry Farm from the site locations, and opposed illumination at night.

Jennifer Griffin was concerned about charging costs and trip hazards from cords.

Lisa Warren supported equity in parking spot locations.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Willey seconded to approve the staff recommendation with the following modifications:

- Change the Blackberry Farm parking lot to the Monta Vista Recreation Center;
- Locate the Electric Vehicle Charging Stations (EVCS) spots in different locations from the existing EV charging station locations, if possible;
- Include the rental fee the City is waiving for the use of the City property for charging stations;
- Bring the item back when a vendor is selected and update the Council on the selection process and the final contract.

Wei made a friendly amendment to add back the Blackberry Farm location. (Chao declined Wei's friendly amendment, and it was not considered).

Chao made a friendly amendment to:

- Remove the sixth location Blackberry Farm parking lot
- Locate Electric Vehicle Charging Stations (EVCS) spots in different locations from existing EV charging stations if possible
- Include the rental fee the City is waiving for the use of the City property for charging stations in the contract
- Bring the item back when a vendor is selected and update the Council on the selection process and the final contract.
- Refer the item to Planning and/or Parks and Recreation Commissions when future EV charging station locations are identified

(Willey accepted Chao's friendly amendment).

Chao made a second friendly amendment to:

- Remove the sixth location Blackberry Farm parking lot
- Locate Electric Vehicle Charging Stations (EVCS) spots in different locations from existing EV charging stations if possible
- Include the rental fee the City is waiving for the use of the City property for charging stations in the contract
- Bring the item back when a vendor is selected and update the Council on the selection process and the final contract.
- Refer the item to Planning and/or Parks and Recreation Commissions when future EV charging station locations are identified on City properties

(Willey accepted Chao's second friendly amendment).

Final Motion:

Chao moved and Willey seconded to approve the staff recommendation as modified to:

1. Approve a purchasing exemption per Cupertino Municipal Code (CMC) Section 3.22.060(B) waiving the formal competitive bidding process; and
2. Approve the Electric Vehicle Parking Expansion RFP to provide electric vehicle charging stations at six City of Cupertino properties;

Chao's modifications:

- Remove the 6th location Blackberry Farm parking lot
- Locate Electric Vehicle Charging Stations (EVCS) spots in different locations from existing EV charging stations if possible
- Include the rental fee the City is waiving for the use of the City property for charging stations in the contract
- Bring the item back when a vendor is selected and update the Council on the

selection process and the final contract.

- Refer the item to Planning and/or Parks and Rec Commissions when future EV charging station locations are identified on City properties

The modified amended motion carried unanimously.

12. Subject: Consider authorizing the City Manager to execute a Cost Share Agreement with the City of Saratoga for pavement sealing on Prospect Road between De Anza Boulevard and Stelling Road

Recommended Action: Authorize the City Manager to execute a Cost Share Agreement with the City of Saratoga for pavement sealing on Prospect Road between De Anza Boulevard and Stelling Road

13. Subject: Amend two existing contracts awarded to both West Coast Code Consultants, Inc. and Independent Code Consultants, Inc. to provide On-Call Professional Plan Review Services as needed.

Recommended Action: 1. Amend the existing \$80,000 contract awarded to West Coast Code Consultants, Inc. and increasing the amount by \$250,000 for a total contract amount of \$330,000

2. Amend the existing \$175,000 contract awarded to Independent Code Consultants, Inc. and increasing the amount by \$250,000 for a total contract amount of \$425,000

17. Subject: Consider approval of formation of Council Subcommittee on the Legislative Aide interview process; selection of Councilmembers to serve on Subcommittee

Recommended Action: 1. Approve the formation of a Council Subcommittee to work with City staff on the Legislative Aide interview process; and

a. Appoint two Councilmembers to serve on the Legislative Aide Subcommittee; consider Councilmembers Moore and Wei for Subcommittee membership

SECOND READING OF ORDINANCES

14. Subject: Amendment to Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the California Buildings Standards Code and Fire Code as mandated by the State of California and making local exceptions to those standards as warranted.

Recommended Action: 1. Conduct the second reading and enact Ordinance No. 22-2245 "An Ordinance of the City Council of the City of Cupertino Amending Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.28, 16.32, 16.40, 16.42, 16.54, 16.58, 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Fire, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and Property Maintenance Code

with certain exceptions, deletions, modifications, additions and amendments”;

2. Find the project is exempt from CEQA pursuant to 14 California Code of Regulations Sections 15061(b)(3) and 15308.

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

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2245: “An Ordinance of the City Council of the City of Cupertino Amending Chapters 16.02, 16.04, 16.06, 16.16, 16.20, 16.24, 16.28, 16.32, 16.40, 16.42, 16.54, 16.58, 16.62, 16.64, and 16.68 of Title 16 of the Cupertino Municipal Code adopting the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Historical Building Code, Fire, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and Property Maintenance Code with certain exceptions, deletions, modifications, additions and amendments.”

Paul moved and Willey seconded to:

1. Read Ordinance No. 22-2245 by title only, and that the City Clerk’s reading constitutes the second reading thereof; and
2. Enact Ordinance No. 22-2245;
3. Find the project is exempt from CEQA pursuant to 14 California Code of Regulations Sections 15061(b)(3) and 15308.

Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

Paul moved and Willey seconded to hear Item 16 before Item 15. The motion carried unanimously.

16. Subject: FY 22-23 City Work Program item: Student Internship Program

Recommended Action: Direct staff to:

1. Proceed with developing the Student Internship Program by incorporating criteria from the 2022 summer intern pilot program and the existing Volunteer Intern Policy (Attachment A); and
2. Approve the formation of a Council Subcommittee and appoint two Councilmembers to guide the final candidate selection process

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

Jennifer Griffin supported a work study summer program for high school students to receive credits.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Chao seconded to:

1. Proceed with developing the Student Internship Program by incorporating criteria from the 2022 summer intern pilot program and the existing Volunteer Intern Policy; and
2. Approve the formation of a Council Subcommittee and appoint Vice Mayor Chao and Councilmember Wei to guide the final candidate selection process.

Chao made a friendly amendment to:

- Review existing guidelines and propose revisions
- Consider adding college interns as mentors for high school interns
- Consider Commissioners as mentors too.
- Consider existing Work Study Program with Fremont Union High School District (FUHSD) and De Anza College

Paul accepted the friendly amendment.

Final Motion:

Paul moved and Chao seconded to approve the staff recommendation as amended:

1. Proceed with developing the Student Internship Program by incorporating criteria from the 2022 summer intern pilot program and the existing Volunteer Intern Policy; and
2. Approve the formation of a Council Subcommittee and appoint Vice Mayor Chao and Councilmember Wei to guide the final candidate selection process.

Chao's amendments:

- Review existing guidelines and propose revisions
- Consider adding college interns as mentors for high school interns
- Consider Commissioners as mentors too.
- Consider existing Work Study Program with Fremont Union High School District (FUHSD) and De Anza College

The amended motion carried unanimously.

Council recessed from 11:03 p.m. to 11:08 p.m.

- 15. Subject:** Consider an ordinance to implement state legislation (Senate Bill 9), that

provides for ministerial approval of up to two units and/or a lot split in a residential single-family zone

Recommended Action: That the City Council:

1. Find the proposed actions exempt from CEQA; and
2. Conduct the first reading of Ordinance No. 22-2246: "An Ordinance of the City Council of the City of Cupertino amending chapters 18.20.170, 19.08.030, 19.12.030, 19.12.110, 19.28.040, 19.28.050, 19.28.110, 19.28.150, 19.28.170, 19.40.050, 19.40.060, 19.40.090, and 19.112.060 to adopt standards for ministerial approval of duplexes and lot splits in Single-Family Residential zoning districts."

Presenter: Emi Sugiyama, Assistant Planner and Piu Ghosh, Planning Manager

Written communications for this item included a staff presentation and comments from Councilmember Wei.

Assistant Planner Emi Sugiyama gave a presentation.

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

Nitu and Tej Kohli supported consideration for lost time during the ordinance adoption process and expediting discretionary approvals.

Nageshwara Rao Vempaty opposed grade change limitations and supported allowances for specific lots.

Jennifer Griffin was concerned about loss of local control and recently signed housing bills for lot splits and accessory dwelling units (ADUs).

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2246 as modified: "An Ordinance of the City Council of the City of Cupertino amending chapters 18.20.170, 19.08.030, 19.12.030, 19.12.110, 19.28.040, 19.28.050, 19.28.110, 19.28.150, 19.28.170, 19.40.050, 19.40.060, 19.40.090, and 19.112.060 to adopt standards for ministerial approval of duplexes and lot splits in Single-Family Residential zoning districts."

Paul moved and Willey seconded to:

1. Find the proposed actions exempt from CEQA; and
2. Read Ordinance No. 22-2246 by title only, and that the City Clerk's reading constitutes the first reading thereof; and

3. Include staff's recommendation regarding grade change limitation with a modification as follows for lots with a slope of more than 10%: For slopes greater than 10%, the slope would be no greater than 36 inches from the existing grade.

Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

As noted under Postponements and Orders of the Day, Item 17 was moved to the Consent Calendar.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Chao and Willey requested a future agenda item regarding issues of homelessness and public spaces.

ADJOURNMENT

At 12:43 a.m. on Wednesday, November 2, Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia City Clerk