



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, November 15, 2022

SPECIAL MEETING

At 5:31 p.m., Mayor 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 (5:32), and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Vice Mayor Liang Chao attended the meeting via teleconference.

STUDY SESSION

1. Subject: Status update on the 6th Cycle Housing Element update
Recommended Action: Receive the report and direct staff to 1) publish the draft Housing Element and to solicit public feedback for 30-days and, 2) incorporate comments received in the draft Housing Element and submit the document to the State Housing and Community Development Department (HCD) for review

Written communications for this item included a staff presentation and an email to Council.

Acting Community Development Director Luke Connelly gave a presentation.

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

Peggy Griffin asked about the draft document contents, satisfying the deadline, the 10-day response period, and submittal options. (Submitted written comments).

Planning Commissioner Muni Madhhipatla (representing self) asked about satisfying the certification deadline and the progress of other cities.

Scott Connelly supported promptly submitting to HCD instead of waiting and asked about the processes for EIR, consultant hiring, and after adoption.

Jennifer Griffin supported an extension allowance for Northern California and the City proceeding cautiously and opposed HCD management.

Lisa Warren supported the options presented by staff, replacing the consultant, and documentation for public review prior to consideration.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Chao seconded the staff recommendation with a draft Housing Element publication target date of Friday, November 18, 2022 and submittal date to HCD on January 20, 2023.

Chao made a friendly amendment to submit an informational item on the January 17 Council agenda prior to submittal to HCD on January 20. (Moore accepted the friendly amendment).

Moore modified her motion to solicit public feedback for at least 30-days. (Chao accepted the modification).

Willey made a friendly amendment to add the Bubb Road site from Tier 2 to Tier 1 in the site inventory. (Moore declined the friendly amendment, and it was not considered).

Final Motion:

Moore moved and Chao seconded to direct staff to 1) publish the draft Housing Element on Friday, November 18, 2022 and to solicit public feedback for at least 30-days;

2) submit an informational item on the January 17 Council agenda prior to submittal to HCD; and

3) incorporate comments received in the draft Housing Element and submit the document to the State Housing and Community Development Department (HCD) for review on January 20, 2023.

The amended and modified motion carried unanimously.

ADJOURNMENT

At 6:46 p.m., Mayor Paul adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:50 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 13 - 19, 2022 as United Against Hate Week
Recommended Action: Present proclamation recognizing November 13 - 19, 2022 as United Against Hate Week

Anthony Rodriguez, Senior Advisor for the Office of Mayor Jesse Arreguin, received the proclamation.

Mayor Paul presented the proclamation recognizing November 13 - 19, 2022 as United Against Hate Week

2. Subject: Consider a proclamation recognizing November 26, 2022 as Small Business Saturday
Recommended Action: Present proclamation recognizing November 26, 2022 as Small Business Saturday

The following small business representatives received proclamations:

- Vicky Tsai of DryClean Pro
- Efren Flores of Holder's Country Inn
- Thalia Swangchaeng of Pineapple Thai
- Kishore Muvva of Trinethra Indian Supermarket
- Gloria You and Lucas Lyu of Sun Design Center

Mayor Paul presented the proclamations recognizing November 26, 2022 as Small

Business Saturday.

3. Subject: Consider certificates of appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Recommended Action: Present certificates of appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Silicon Valley Korean School Principal Young Sook Kim made comments and introduced the recipients.

Mayor Paul presented the certificates of appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Council recessed from 7:10 p.m. to 7:25 p.m.

Councilmembers Moore and Willey left the dais and attended the remainder of the meeting via teleconference.

POSTPONEMENTS AND ORDERS OF THE DAY

Moore moved and Paul seconded to move Item 24 to the Consent Calendar. The motion carried with Wei and Chao voting no.

ORAL COMMUNICATIONS

Bob Hirt supported changing the use of Blackberry Farm Golf Course to a natural setting and preserving biodiversity.

A Huang Family representative was concerned about a case regarding an illegal structure that was removed from their backyard requiring litigation.

Peggy Griffin supported requiring printed names of signatories on City contracts and revision dates for documents on the City website.

Jennifer Griffin was concerned about recent Housing bills and loss of local control and supported transparency and public input.

Housing Commissioner Connie Cunningham (representing self) supported preserving natural spaces, protecting biodiversity and native trees, and restoring nature on the golf course.

Rhoda Fry supported Lehigh Cement Plant's closure and was concerned about permit

authority for a new aggregate plant, noise, traffic, and filming activities.

Lisa Warren supported continuing the use of Blackberry Farm Golf Course and disagreed with comments that a majority of public opinion supported discontinuing the golf course.

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: Department Update - Administrative Services
Recommended Action: Receive update regarding the Administrative Services Department

Written communications for this item included a staff presentation.

Director of Administrative Services Kristina Alfaro gave a presentation.

Council received the update regarding the Administrative Services Department.

CONSENT CALENDAR (Items 9-21 and 24)

Wiley moved and Wei seconded to approve the items on the Consent Calendar, except Item 24

which was added to the Consent Calendar and then pulled for discussion. Items 9-17 and 19-21: Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Recused: None. Absent: None; Item 18: Ayes: Paul, Moore, Wei, and Willey. Noes: None. Recused: Chao. None. Absent: None.

9. Subject: Consider approval of the November 1 City Council minutes
Recommended Action: Approve the November 1 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 15, 2022 through December 15, 2022 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 22-133 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period November 15, 2022 through December 15, 2022 pursuant to the Brown Act, as amended by AB 361
11. Subject: Consider accepting Accounts Payable for the periods ending September 11, 2022; September 18, 2022; September 25, 2022; and October 2, 2022
Recommended Action: A. Adopt Resolution No. 22-134 accepting Accounts Payable for the period ending September 11, 2022;
B. Adopt Resolution No. 22-135 accepting Accounts Payable for the period ending September 18, 2022;
C. Adopt Resolution No. 22-136 accepting Accounts Payable for the period ending September 25, 2022; and
D. Adopt Resolution No. 22-137 accepting Accounts Payable for the period ending October 2, 2022
12. Subject: Consider the Monthly Treasurer's Report for September 2022
Recommended Action: Accept the Monthly Treasurer's Report for September 2022
13. Subject: Consider the Monthly Treasurer's Investment Report for September 2022
Recommended Action: Accept the Monthly Treasurer's Investment Report for September 2022
14. Subject: Consider the Treasurer's Investment Report for Quarter Ending September 30, 2022
Recommended Action: Accept the Treasurer's Investment Report for Quarter Ending September 30, 2022
15. Subject: Consider Authorizing the City Manager to execute a First Amendment to Active Network, LLC., Product and Services Agreement, to renew Active Network Recreation Management Services Software Solution for \$1,430,000, plus a contingency

of \$143,000, over five years for a total cost of \$1,573,000

Recommended Action: Authorize the City Manager to execute a First Amendment to Active Network, LLC., Product and Services Agreement, to renew Active Network Recreation Management Services Software Solution for \$1,430,000, plus a contingency of \$143,000, over five years for a total cost of \$1,573,000

16. Subject: Consider adoption of a revised Cupertino Community Funding Grant Program Policy (continued on September 20, 2022)

Recommended Action: Receive an update from the City Council subcommittee meetings for the Cupertino Community Funding Grant Program Policy and adopt a revised Cupertino Community Funding Grant Program Policy

17. Subject: Continue the Community Funding Grant subcommittee with expanded jurisdiction to review the festival fee waiver policy and application

Recommended Action: Direct the Community Funding Grant subcommittee, including Vice Mayor Chao, Councilmember Moore, Parks and Recreation Commission Chair and Vice Chair and Parks and Recreation Department Director to develop a proposed Festival Fee Waiver Policy and festival fee waiver application.

18. Subject: Consider setting a hearing date on January 17, 2023 to declare a public nuisance (from weeds) and to consider objections for proposed removal; declare properties as having potential fire hazards from weeds or other potential nuisances for the Cupertino Weed Abatement Program

Recommended Action: Adopt Resolution No. 22-138 declaring properties as having potential fire hazards from weeds or other potential nuisances; and set hearing on January 17, 2023 to declare a public nuisance and to consider objections for proposed removal

Vice Mayor Chao recused herself from this item.

19. Subject: Consider authorization to execute a first amendment to the agreement for Disposal of Municipal Solid Waste between the City of Cupertino and International Disposal Corporation of California, Inc., extending the term for two years

Recommended Action: Authorization of the City Manager to execute a first amendment to the agreement for Disposal of Municipal Solid Waste between the City of Cupertino and International Disposal Corporation of California, Inc. to November 2025

20. Subject: Consider the summary vacation of a portion of a Public Utility Easement on the property located at 10826 Brookwell Drive

Recommended Action: Adopt Resolution No. 22-139, summarily vacating a portion of

Public Utility Easement on the property located at 10826 Brookwell Drive

21. Subject: Consider approval of a Final Map and the Subdivision Improvement Agreement for the Alan Row Development Project (Tract No. 10587; Applicant: Alan Enterprise, LLC; Location: 22690 Stevens Creek Boulevard; APN's: 342-14-104, 342-14-105, and 342-14-066
Recommended Action: Adopt Resolution No. 22-140:
1) Approving the final map;
2) Accepting the street dedication and public service easements and abandoning redundant public roadway easements as shown on the map; and
3) Authorizing the City Engineer to execute and record the Subdivision Improvement Agreement
24. Subject: Consider City Hall Renovation Project update
Recommended Action: 1. Receive report of the City Hall Project Subcommittee; and
2. Direct staff to include the City Hall Renovation Project as part of the fiscal year 2023-24 proposed Capital Improvement Program (CIP) project and budget
Presenter: Susan Michael, Capital Improvement Programs Manager

This item was pulled from the Consent Calendar for discussion.

Written communications for this item included a staff presentation.

Capital Improvement Programs Manager Susan Michael gave a presentation.

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

Peggy Griffin supported the decreased project cost and was concerned about preserving the trees near Library Field and the economic downturn.

Jean Bedord opposed limiting the renovation to the same building at \$26.5 million and was concerned about addressing library parking and housing units.

Jennifer Griffin supported the proposed project and preserving trees along the parking lot and was concerned about economic uncertainty.

Lisa Warren was concerned about reducing parking by Library Field and supported the project as a major remodel instead of tearing down the building.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Willey seconded to:

1. Receive the report of the City Hall Project Subcommittee; and
2. Direct staff to include the City Hall Renovation – including full seismic retrofit, MEP/IT, interior finishes, and layout complete refurbishment, at the level of California Building Code’s structural “Risk Category IV” for approximately \$27,500,000, as part of the fiscal year 2023-24 proposed Capital Improvement Program (CIP) project and budget.

The motion carried with Wei voting no.

Council recessed from 9:36 p.m. to 9:41 p.m.

SECOND READING OF ORDINANCES

22. Subject: City Council hearing to conduct second reading of amendments 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: Conduct the second reading and enact 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."

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

Jennifer Griffin opposed SB 9 and SB 10 and new Housing bills and was concerned about community impacts.

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: "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."

Moore moved and Chao seconded to:

1. Read Ordinance No. 22-2246 by title only, and that the City Clerk's reading constitutes the second reading thereof; and
2. Enact Ordinance No. 22-2246.

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

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

23. Subject: Consider the First Quarter Financial Report for Fiscal Year 2022-23
Recommended Action: 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2022-23
2. Adopt Resolution No. 22-141 approving Budget Modification #2223-244 increasing appropriations by \$1,806,337 and revenues by \$920,149
Presenters: Kristina Alfaro, Director of Administrative Services and Thomas Leung, Budget Manager

Written communications for this item included a staff presentation.

Director of Administrative Services Kristina Alfaro and Budget Manager 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.

Paul moved and Wei seconded to:

1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2022-23
2. Adopt Resolution No. 22-141 approving Budget Modification #2223-244 increasing appropriations by \$1,806,337 and revenues by \$920,149

The motion carried unanimously.

As noted under Postponements and Orders of the Day, Item 24 was moved to the Consent Calendar.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers requested the following items:

- Consider implementing member of the public's suggestion by including printed names on contract signatures and adding numbering and webpage version control (Chao and Moore)
- Receive update on Lehigh Cement Plant and Quarry activities (Chao, Moore, and Willey)
- Future agenda item to discuss extending the jurisdiction, meeting frequency and length of time Housing Element Community Engagement Plan Subcommittee (Chao and Willey and Moore)

ADJOURNMENT

At 11:15 p.m., Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia City Clerk