



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 20, 2022

At 6:45 p.m., Mayor Hung Wei called the Regular City Council Meeting to order via teleconference.

ROLL CALL

Present: Mayor Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen, and Kitty Moore.

CEREMONIAL MATTERS AND PRESENTATIONS - None

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Sayareh Farsio opposed a Tamien Nation monitoring requirement which was included as a condition of approval in their development project agreement. (Submitted written comments).

Setareh Farsio opposed a Tamien Nation monitoring requirement which was included as a condition of approval in their development project agreement. (Submitted written comments).

Housing Commissioner Connie Cunningham (representing self) supported protecting biodiversity and climate action plans and transitioning Blackberry Farm to a natural habitat. (Submitted written comments).

Jennifer Griffin supported hybrid City Council meetings with Councilmembers attending in person in the Council Chambers. (Submitted written comments).

Neil Park-McClintick supported changes to the draft Housing Element and presented a framework of recommended goals, strategies, and policies. (Submitted written comments).

Rajat Mehndiratta ceded their time to Neil Park-McClintick.

Debra Timmers ceded their time to Neil Park-McClintick.

Jean Bedord supported the examination provided in the Civil Grand Jury Report entitled, “A House Divided” and implementing the recommendations in the report.

Peggy Griffin was concerned about mayoral responsibilities and supported communication and collaboration between Councilmembers.

Louise Saadati supported Council collaboration with residents and City staff, and between Councilmembers and Commissioners.

Janet Van Zoeren supported modifications to the draft Housing Element including adding preferences for people with developmental disabilities.

REPORTS BY COUNCIL AND STAFF – None

CONSENT CALENDAR (Items 1-9)

Moore moved and Fruen seconded to approve the items on the Consent Calendar, except Items 5, 7, 8, and 9 which were pulled for discussion. Ayes: Wei, Mohan, Chao, Fruen, and Moore. Noes: None. Abstain: None. Absent: None.

1. Subject: Consider approval of the November 29 City Council minutes
 Recommended Action: Approve the November 29 City Council minutes
2. Subject: Consider approval of the December 5 City Council minutes
 Recommended Action: Approve the December 5 City Council minutes
3. Subject: Consider approval of the December 6 City Council minutes
 Recommended Action: Approve the December 6 City Council minutes
4. Subject: Consider approval of the December 9 City Council minutes
 Recommended Action: Approve the December 9 City Council minutes
5. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period December 20, 2022 through January 19, 2023 pursuant to the Brown Act, as amended by AB 361
 Recommended Action: Adopt Resolution No. 22-151 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period December 20, 2022 through January 19, 2023 pursuant to the Brown Act, as amended by

AB 361

This item was pulled from the Consent Calendar for discussion.

City Clerk Kirsten Squarcia reviewed the staff report.

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

Jennifer Griffin supported in person City Council Meetings for Councilmembers and hybrid meeting format for the public.

John Zhao supported continuing the option for members of the public to attend meetings via telephone and teleconference.

San R supported having the option of hybrid City Council meetings with Councilmembers attending in-person.

Lisa Warren supported having the option of hybrid City Council meetings with Councilmembers attending in-person.

Housing Commissioner Tessa Parish (representing self) supported hybrid Council meetings with Councilmembers attending in-person.

Peggy Griffin supported hybrid City Council meetings with Councilmember attending in-person.

Mayor Wei closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Chao seconded to adopt Resolution No. 22-151 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period December 20, 2022 through January 19, 2023 pursuant to the Brown Act, as amended by AB 361. The motion carried unanimously.

6. Subject: Consider cancellation of the January 3, 2023 City Council meeting
Recommended Action: Cancel the January 3, 2023 City Council meeting
7. Subject: Consider the Mitigation Fee Act - an annual and five-year report for Fiscal Year (FY) 2021-2022 (Continued from December 6, 2022)
Recommended Action: Adopt Resolution No. 22-145 entitled "A Resolution of the City

of Cupertino City Council approving the annual and five -year Development Impact Fee report for FY ending June 30, 2022" to:

1. Make the required findings as identified in the Resolution; and
2. Approve the annual and five-year Development Impact Fee report for the FY ending June 30, 2022, as required by Government Code Section 66000 et seq

This item was pulled from the Consent Calendar for discussion.

Assistant Director/City Engineer Chad Mosley reviewed the item.

Councilmembers asked questions and made comments.

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

Peggy asked for clarification on the five-year report period date range.

Lisa Warren supported the item being discussed.

Mayor Wei closed the public comment period.

Fruen moved and Mohan seconded to adopt Resolution No. 22-145 entitled "A Resolution of the City of Cupertino City Council approving the annual and five -year Development Impact Fee report for FY ending June 30, 2022" to:

1. Make the required findings as identified in the Resolution; and
2. Approve the annual and five-year Development Impact Fee report for the FY ending June 30, 2022, as required by Government Code Section 66000 et seq

The motion carried with Moore voting no.

8. Subject: Consider approval of response to 2022 Civil Grand Jury of Santa Clara County Report Entitled, "If You Only Read the Ballot, You're Being Duped"
Recommended Action: Approve the response to the 2022 Civil Grand Jury of Santa Clara County Report Entitled, "If You Only Read the Ballot, You're Being Duped"

This item was pulled from the Consent Calendar for discussion.

Written communications for this item included emails to Council.

City Attorney Chris Jensen reviewed the item.

Councilmembers asked questions and made comments.

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

Jennifer Griffin supported initiatives being written as clearly as possible.

Mayor Wei closed the public comment period.

Chao moved and Mohan seconded to approve the response to the 2022 Civil Grand Jury of Santa Clara County Report Entitled, "If You Only Read the Ballot, You're Being Duped." The motion carried unanimously.

Council recessed from 8:35 p.m. to 8:40 p.m.

9. Subject: Consider appointment of 2023 Councilmember Committee Assignments
Recommended Action: Approve 2023 Councilmember Committee Assignments

This item was pulled from the Consent Calendar for discussion.

Written communications for this item included emails to Council.

City Clerk Kirsten Squarcia reviewed the item.

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

John Zhao supported the draft assignments.

Jennifer Shearin supported the draft assignments.

Jennifer Griffin supported changes to the draft assignments.

Lisa Warren supported discussion on several assignments.

Peggy Griffin supported changes to the draft assignments.

Neil Park-McClintick supported the new Councilmember assignments.

Rajat Mehndiratta supported the draft assignments.

Louise Saadati supported the draft assignments.

Rhoda Fry supported modifications to the draft assignments.

Ian Greensides supported the draft assignments.

John Geis supported the draft assignments and discussion on the unappointed assignments.

Jean Bedord supported the draft assignments.

Monica Mallon supported the draft assignments.

Darcy Paul supported changes to the draft assignments.

Housing Commissioner Tessa Parish (representing self) supported changes to the draft assignments.

Mayor Wei closed the public comment period.

Fruen moved and Mohan seconded to approve the 2023 Councilmember Committee Assignments.

Chao moved and Moore seconded a substitute motion:

Wei	Mohan	Fruen	Chao	Moore
CitiesAsscBOD CitiesAsscSelect CitiesAsscLeg WVMayors Rt85 StvCrk Corridor CleanEnergy(A)	CleanEnergy Audit SisterCity CEP ABAG(A) CitiesAsscBOD(A) CitiesAsscSelect(A) LibraryJPA(A) WVMayors(A)	VTAPAC ABAG SCCHCD Audit School SisterCity Water CitiesAsscLeg(A) Liaison(A) Rt85(A) StvCrk Corridor(A)	LibraryJPA Water Disaster School CEP Commission(A) SCCHCD(A) SVRIA(A)	SVRIA Water SisterCity Audit VTAPAC VTAPAC(A) Disaster(A)

Chao's substitute motion failed with Chao and Moore voting no.

Fruen's motion to approve the 2023 Councilmember Committee Assignments (as presented) carried with Chao and Moore voting no.

SECOND READING OF ORDINANCES – None

PUBLIC HEARINGS – None

ORDINANCES AND ACTION ITEMS – None

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers added the following requests:

- Form a Council Subcommittee on Mitigation Fee Act AB 1600 and AB 1483 reporting (Moore and Chao)
- Discussion on City Commissions and Committees (Wei)
- Informational item on AB 52 Tribal Consultation (Chao and Moore)
- Evaluation and refresh of City and Council policies (Moore and Chao)

ADJOURNMENT

At 10:07 p.m., Mayor Wei adjourned the Regular City Council Meeting.

Kirsten Squarcia, City Clerk