



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL  
Thursday, April 13, 2023**

**SPECIAL MEETING**

At 4:02 p.m. Mayor Wei called the Special City Council Meeting to order in open session and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

Present: Mayor Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen and Kitty Moore. Absent: None.

**CLOSED SESSION REPORT** - None

**CEREMONIAL ITEMS** - None

**POSTPONEMENTS AND ORDERS OF THE DAY** – None

**ORAL COMMUNICATIONS**

Jennifer Griffin supported preserving the Stocklmeir property, including the history of the fruit orchard.

Cathy Helgerson was concerned about construction progress at the former Vallco site and issues of homelessness and supported youth training programs for the government job sector.

Peggy Griffin was concerned about a proposed Civic Center solar panel installation requiring the removal of trees and supported an analysis prior to removal.

Lisa Warren was concerned about Councilmember recusal from the Apple development item due to conflicts of interest and opposed the early meeting start time.

**CONSENT CALENDAR (Items 1-3)**

Mayor Wei opened the public comment period for items on the Consent Calendar and, seeing no one, closed the public comment period.

Mohan moved and Fruen seconded to approve the items on the Consent Calendar, except for Item 3 which was pulled for discussion. Ayes: Wei, Mohan, Chao, Fruen, and Moore. Noes: None. Abstain: None. Absent: None.

Item 3 was placed after the Action Calendar for consideration.

1. Subject: Consider approval of the April 4 City Council minutes  
Recommended Action: Approve the April 4 City Council minutes
2. Subject: Consider ratifying Accounts Payable for the periods ending February 10, 2023; February 17, 2023; February 24, 2023; and March 3, 2023  
Recommended Action: A. Adopt Resolution No. 23-043 ratifying Accounts Payable for the Period ending February 10, 2023;  
B. Adopt Resolution No. 23-044 ratifying Accounts Payable for the Period ending February 17, 2023;  
C. Adopt Resolution No. 23-045 ratifying Accounts Payable for the Period ending February 24, 2023; and  
D. Adopt Resolution No. 23-046 ratifying Accounts Payable for the Period ending March 3, 2023

## **PUBLIC HEARINGS**

4. Subject: Consider the proposed development of a 282,320-square-foot office building with a detached 213,080-square-foot parking structure and removal and replacement of 113 trees subject to a Development Permit, Architectural and Site Approval, and Tree Removal Permit, and exemption from the California Environmental Quality Act. (Application No(s): DP-2021-001, ASA-2021-003, TR-2021-020; Applicant(s): Apple, Inc.; Location: 19191 Vallco Parkway; APN #316-20-117)  
Recommended Action: Recommends that the City Council adopt the Resolutions (Attachments A-C) to:
  1. Find the project exempt from CEQA pursuant to Guidelines section 15183;
  2. Adopt Resolution No. 23-047 approving the Development Permit (DP-2021-001) including the adoption of alternative parking standards pursuant to Municipal Code section 19.124.060(C);
  3. Adopt Resolution No. 23-048 approving the Architectural and Site Approval Permit (ASA-2021-003); and
  4. Adopt Resolution No. 23-049 approving the Tree Removal Permit (TR-2021-020).

Presenter: Gian Martire, Senior Planner

Written communications for this item included staff and applicant presentations, a supplemental report of Phase I ESA-Phase II Report, a supplemental report and desk item with staff responses to councilmember questions, and emails to Council.

Senior Planner Gian Martire gave a presentation.

Gary Chao, Head of Development Services for Apple Real Estate & Development, gave a presentation.

Councilmembers disclosed any ex parte communications prior to deliberation in this matter.

Councilmembers asked questions and made comments.

Placeworks consultants Mike Watson, Senior Geologist, and Terri McCracken, Associate Principal, answered questions.

Mayor Wei opened the public hearing and the following people spoke.

Jennifer Griffin supported the project approval.

Peggy Griffin supported the project with additional requirements, including a covenant to list those commercial space conditions. (Shared written comments).

Jennifer Van Every, representing Shashi Hospitality Group/Aloft Hotel, supported the project approval.

Sean Panchal, representing First Muganson Holdings Cupertino, supported the development approval.

Louise Saadati supported the project approval and City staff and involved residents.

Bicycle Pedestrian Commissioner Jennifer Shearin (representing self) supported the development approval, including the bike shop.

Claudio Bono supported approval of the project.

Jean Bedord supported approval of the project.

Rhoda Fry supported the project approval and was concerned about housing, retail,

density, parking, a head count tax, and bird safety.

Cathy Helgersen was concerned about the facility next door on Bandle Drive emitting pollution.

Housing Commissioner Connie Cunningham (representing self) supporting the project and addressing the bird safety and dark sky impacts of the Alternative Plan.

Mayor Wei closed the public hearing.

Wei moved and Chao seconded the recommended action.

Fruen added a friendly amendment to include Moore's changes, based upon errors detected in the packet. Wei and Chao accepted the friendly amendment.

Final motion:

Wei moved and Chao seconded, as amended, to:

1. Find the project exempt from CEQA pursuant to Guidelines section 15183;
2. Adopt Resolution No. 23-047 approving the Development Permit (DP-2021-001) including the adoption of alternative parking standards pursuant to Municipal Code section 19.124.060(C), as amended:

- Page 3, Item 2. The granting of the exception will not be injurious to property or improvements in the area nor be detrimental to the public safety, health and welfare.

...VP1 Apple Office Project CEQA Guidelines Section 15183 Checklist *which concluded that the project would not create any significant impacts beyond what was analyzed in the City's General Plan EIR.*

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a. ~~Compliance with CEQA mitigation measures~~

3. Adopt Resolution No. 23-048 approving the Architectural and Site Approval Permit (ASA-2021-003); and

4. Adopt Resolution No. 23-049 approving the Tree Removal Permit (TR-2021-020).

The amended motion carried unanimously.

Council recessed from 5:35 to 5:43 p.m.

## ACTION CALENDAR

5. Subject: Consider submitting a letter in support of, or otherwise regarding, Assembly Constitutional Amendment ("ACA") 5, expressing the intent of the Legislature to

amend the California Constitution to protect marriage equality

Recommended Action: Consider submitting a letter in support of ACA 5

Presenter: Christopher Jensen, City Attorney

City Attorney Christopher Jensen reviewed the staff report.

Councilmembers asked questions and made comments.

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

Bicycle Pedestrian Commissioner Jennifer Shearin (representing self) supported submitting a letter in support of ACA 5.

Cathy Helgersen opposed submitting a letter in support of ACA 5.

Geoff Paulsen supported submitting a letter in support of ACA 5.

Louise Saadati supported submitting a letter in support of ACA 5.

Housing Commissioner Connie Cunningham (representing self) supported submitting a letter in support of ACA 5.

Liana Crabtree supported submitting a letter in support of ACA 5.

Mayor Wei closed the public comment period.

Fruen moved and Chao seconded to submit a letter in support of Assembly Constitutional Amendment (“ACA”) 5, expressing the intent of the Legislature to amend the California Constitution to protect marriage equality. The motion carried unanimously.

6. Subject: Consider the FY 2023-24 10-Year Budget Forecast Informational Update presentation

Recommended Action: Receive the FY 2023-24 10-Year Budget Forecast Informational Update presentation

Presenters: Kristina Alfaro, Director of Administrative Services and Thomas Leung, Budget Manager

Written communications for this item included a supplemental report with staff responses to councilmember questions, and emails to Council.

Administrative Services Director Kristina Alfaro and Budget Manager Thomas Leung gave a presentation.

Councilmembers asked questions and made comments.

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

Geoff Paulsen opposed selling Blackberry Farm Golf Course to generate revenue.

Cathy Helgerson opposed the budget update options and paying back sales tax revenues and supported other solutions. (Submitted written comments).

Peggy Griffin opposed selling assets and supported spending reductions and alternate savings ideas. (Submitted written comments).

Louise Saadati supported collaborative solutions, strategic reductions, revenue increases, and waiting for more details to unfold before making cuts.

Bicycle Pedestrian Commissioner Jennifer Shearin (representing self) asked why the previous Council did not discuss the matter and supported strategic reductions.

Jean Bedord was concerned about the budget balancing options presented and supported a strategic emphasis in other areas.

Rhoda Fry opposed selling assets and was concerned about clear messaging and why the matter wasn't brought forward sooner by staff. (Submitted written comments).

Housing Commissioner Govind Tatachari (representing self) opposed selling assets and supported exploring payback negotiation strategies and spending management.

San R supported spending reductions and additional details on staffing, revenue levels, and City projects and opposed selling assets.

Lisa Warren opposed selling assets and receiving support from outside interests and supported spending reductions.

Mayor Wei closed the public comment period.

Council received the FY 2023-24 10-Year Budget Forecast Informational Update presentation.

Council recessed from 7:52 p.m. to 8:30 p.m.

### ITEMS REMOVED FROM THE CONSENT CALENDAR

The following item was pulled from the Consent Calendar and placed after the Action Calendar for discussion.

3. Subject: Consider authorizing City funding of up to \$2,200 for the visit to Sister City Hsinchu, Taiwan.

Recommended Action: Authorize City funding of up to \$2,200 for the visit to Sister City Hsinchu, Taiwan.

Written communications for this item included a supplemental report and desk item with staff responses to councilmember questions, and emails to Council.

Councilmembers asked questions and made comments.

City Manager Pamela Wu answered questions.

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

Peggy Griffin opposed authorizing City funding.

Jean Bedord supported authorizing City funding.

Louis Saadati supported authorizing City funding.

Rhoda Fry was concerned about the short notice to authorize City funding.

San R opposed authorizing City funding.

Liana Crabtree was concerned about the role of the City Manager on the visit.

Lisa Warren opposed authorizing City funding.

Housing Commissioner Tessa Parish (representing self) was concerned about public perception and setting a precedent by authorizing City funding.

Mayor Wei closed the public comment period.

Wei moved and Mohan seconded to authorize City funding of up to \$2,200 for the visit

to Sister City Hsinchu, Taiwan. The motion carried with Chao and Moore voting no.

## COUNCIL REPORTS AND COMMENTS

### 7. Subject: Councilmember Reports

Written communications for this item included a Council Report from Councilmember Chao.

Councilmembers reported on their various committees and activities, as provided in the published agenda and written communications.

## CITY MANAGER REPORT

City Manager Pamela Wu shared a video montage showing photos of the recent Big Bunny 5K Race and Kids Fun Run event.

## ORAL COMMUNICATIONS - CONTINUED

Mayor Wei reopened Oral Communications.

Stanley Young, representing IFPTE Local 21 and speaking on behalf of Local 21 members who are CEA, supported investing in City employees and Council direction that includes fair cost of living increases for staff.

Mayor Wei closed Oral Communications.

## INFORMATIONAL ITEMS

8. Subject: Consider the Monthly Treasurer's Report for February 2023  
Recommended Action: Receive the Monthly Treasurer's Report for February 2023

The informational report was provided as part of the published agenda.

9. Subject: Consider the Monthly Treasurer's Investment Report for February 2023  
Recommended Action: Receive the Monthly Treasurer's Investment Report for February 2023

The informational report was provided as part of the published agenda.

## COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

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Council did not hear this item.

Council recessed from 9:32 p.m. to 9:40 p.m.

At 9:40 p.m. Mayor Wei reconvened the Special City Council Meeting in closed session in City Hall Conference Room C, 10300 Torre Avenue.

### **CLOSED SESSION**

10. Subject: Conference with legal counsel - initiation of litigation pursuant to Government Code § 54956.9(c) (two cases)

Council met with legal counsel regarding initiation of litigation (two cases).

11. Subject: Conference with Labor Negotiators pursuant to Government Code § 54957.6 (Kristina Alfaro and Christopher Boucher)

Council met with Labor Negotiators.

### **OPEN SESSION REPORT REGARDING CLOSED SESSION**

City Attorney Chris Jensen conducted the open session report regarding the Closed Session. City Attorney Jensen reported that Council authorized the initiation of an administrative appeal of the anticipated CDTFA's decision to reallocate sales tax revenue to jurisdictions outside of Cupertino. There was no other reportable action.

### **ADJOURNMENT**

At 11:13 p.m., Mayor Wei adjourned the Special City Council Meeting.

Minutes prepared by:

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Kirsten Squarcia, City Clerk