



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, September 7, 2021

REGULAR MEETING

At 6:45 p.m. Mayor Darcy Paul called the Regular 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.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Proclamation recognizing September as National Preparedness Month (NPM)
Recommended Action: Present proclamation recognizing September as National Preparedness Month (NPM)

Emergency Manager Thomas Chin received the proclamation.

Mayor Paul presented the proclamation recognizing September as National Preparedness Month (NPM).

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Jennifer Griffin opposed California Senate legislative housing bills SB 9 and SB 10 and was concerned about legislative Assembly members who are supporting the bills.

Jean Bedord opposed the new practice of conducting open session reports at the end of City Council closed session meetings and supported report outs in open session meetings.

Lisa Warren supported the Californians for Community Planning Initiative for local control of zoning and land-use and the Communities For Choice website. (Submitted written comments).

City Clerk Kirsten Squarcia read an email on behalf of Beth Ebben criticizing a comparative organizational analysis commissioned by the City to supervise and assign City staff functions.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. 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.

3. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts

Interim City Manager Greg Larson reported on COVID-19 case rates and testing locations, and unhoused population monitoring.

Council received the City Manager update on emergency response efforts.

4. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

CONSENT CALENDAR (Items 5-10)

Willey moved and Moore seconded to approve the items on the Consent Calendar except for Item No. 9 which was pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

5. Subject: Approve the August 17 City Council minutes
Recommended Action: Approve the August 17 City Council minutes
6. Subject: Approve the August 24 City Council minutes
Recommended Action: Approve the August 24 City Council minutes

7. Subject: Consider adopting a resolution allowing Sudha Kasamsetty and Adhya Kasamsetty to serve simultaneously as commissioners on the Teen Commission and Fine Arts Commission, respectively
Recommended Action: Adopt Resolution No. 21-080 allowing Sudha Kasamsetty and Adhya Kasamsetty to serve simultaneously as commissioners
8. Subject: Consider amending the Council Committee Assignments to designate a voting delegate and up to two alternate voting delegates to vote at the General Assembly during the 2021 League of California Cities Annual Conference
Recommended Action: Approve amendments to the Council Committee Assignments to designate Vice Mayor Chao as the voting delegate and Councilmember Moore and Councilmember Wei as the alternate voting delegates to vote at the General Assembly during the 2021 League of California Cities Annual Conference
9. Subject: Approve use of American Rescue Plan Act of 2021 funding allocation and approve Budget Modification #2122-162 increasing appropriations in the General Fund (100-90-001 page 583 of the FY 2021-22 Adopted Budget) by \$4,847,386.50 and revenues in the General Fund by \$4,847,386.50 as shown in Attachment C.
Recommended Action: Approve use of American Rescue Plan Act of 2021 funding allocation and approve Budget Modification #2122-162 increasing appropriations in the General Fund (100-90-001 page 583 of the FY 2021-22 Adopted Budget) by \$4,847,386.50 and revenues in the General Fund by \$4,847,386.50 as shown in Attachment C.

Finance Manager Zach Korach reviewed the staff report.

Councilmembers asked questions and made comments.

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

Paul Soto was concerned about exclusionary zoning and supported allocations for inclusionary infrastructure.

Cathy Helgersen was interested in the homeless jobs program and allocations for unhoused residents.

Mayor Paul closed the public comment period.

Moore moved and Wei seconded to Approve the use of American Rescue Plan Act of 2021 funding allocation and approve Budget Modification #2122-162 increasing appropriations in the General Fund (100-90-001 page 583 of the FY 2021-22 Adopted Budget) by \$4,847,386.50 and revenues in the General Fund by \$4,847,386.50 as shown in Attachment C. The motion carried unanimously.

10. Subject: Consideration of a Professional Services Agreement for Plan Check Services for the Westport Cupertino Project (Continued from August 17, 2021)
Recommended Action: That City Council consider authorizing the City Manager to sign a Professional Services Agreement with ICCI and NV5 to provide plan check services for the proposed Westport Cupertino project in the amount not-to-exceed \$300,000 and, consider approving Budget Modification #2122-161 increasing appropriations by \$300,000 and increasing revenues by \$461,000 in the Community Development Department's Building Division (100-73-714)

Written Communications for this item included an Amended Staff Report.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

11. Subject: Consider approving a Vesting Tentative Map to replace a previously approved Vesting Tentative Map (TM-2018-03) for the Westport Cupertino development project to create a separate parcel for the age restricted senior below market rate building. City approval would be a Vesting Tentative Map; (Application No(s): TM-2021-002; Applicant(s): KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN #326-27-042, -043
Recommended Action: City Council consider the evidence presented and determine whether the project can be approved in accordance with the Resolution No. 21-081 to approve the Vesting Tentative Map (TM-2021-002).

Written communications for this item included a staff presentation.

Senior Planner Gian Martire gave a presentation.

Councilmembers asked questions and made comments.

Applicant Mark Tersini of KT Urban, Senior Project Manager Mark Falgout of Kimley Horn, and Business Developer Mike Kelley of The Pacific Companies gave a presentation.

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

Paul Soto was concerned about developers profiting from fees and supported the Council's evaluation of the project.

Jennifer Griffin was concerned about subdividing and impacts of future housing bills, and supported assurances of future building on the site.

Jean Bedord supported approval of the application to create a separate parcel for the senior below market rate housing at Westport.

Paul Bickmore supported approval of the housing project.

Mayor Paul closed the public hearing.

Moore moved and Chao seconded to adopt Resolution No. 21-081 to approve the Vesting Tentative Map (TM-2021-002) with the amendment that the Note on Sheet VTM-3, authorizing the City Manager to terminate the Public Pedestrian Access and Public Bicycle easements, shall be removed from the map. The motion carried unanimously.

Council recessed from 8:59 p.m. to 9:04 p.m.

ORDINANCES AND ACTION ITEMS

12. Subject: Status Report on the Vallco Town Center SB 35 Development Project
Recommended Action: Accept report

Written communications for this item included a staff presentation, Supplemental Staff Report with responses to Council questions, and emails to Council.

Interim City Manager Greg Larson gave a presentation.

Councilmembers asked questions and made comments.

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

Shani Kleinhaus, on behalf of the Santa Clara Valley Audubon Society, supported Bird-Safe and Dark Sky regulations being applied to the project.

Josh Selo, on behalf of West Valley Community Services, supported affordable housing as part of the project and opposed project delays.

Anne Paulson supported affordable housing with the Vallco project and working with the County to get the project built.

Paul Soto supported approaching the process in different ways, centering equity, and factoring developer costs.

Planning Commissioner Muni Madhhipatla (representing self) supported the soil investigation and assessing impacts prior to permit issuance.

Jennifer Griffin was concerned about contaminants on the site and housing bills eliminating CEQA requirements.

Lisa Warren was concerned about City staff doing the work of the developer and developer obligations and opposed a permit extension.

Danessa Techmanski was concerned about developer noncompliance and supported returning Vallco back to the regular approval process.

Aaron Eckhouse, on behalf of California YIMBY, supported SB35 law and the Vallco SB35 project to meet housing needs and opposed delays.

Salim Damerджи supported the Vallco project and expediting the project for affordable housing.

Kelsey Banes, on behalf of YIMBY Action, was concerned about project delays and supported facilitating the construction of affordable housing.

Ansh Shukla was concerned about segregation in Cupertino, housing prices, and potential loopholes that might impede the project.

Jean Bedord supported moving ahead quickly on the Vallco project, revising the City Work Plan, and was concerned about potential litigation expenses.

Planning Commissioner R Wang (representing self) opposed short-term housing solutions and supported ensuring the health and safety of citizens.

Vallco architect Craig Bacheller contested the soil contaminant and developer progress issues and supported a collaborative result.

Neil Park-McClintick, on behalf of Cupertino for All, supported a completed project soon, working with the developer, and laws facilitating development.

Caller 5821 was concerned whether the developer intends to build the SB35 project and supported terminating it and moving to a project alternative.

John Geis opposed delaying the SB35 project and supported Council being proactive to develop more housing and accelerating the project.

Planning Commissioner Steven Scharf (representing self) supported the approval expiring, site cleanup, and the owner applying for a new project.

Mayor Paul closed the public comment period.

Council received the Status Report on the Vallco Town Center SB 35 Development Project.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers made brief comments and requested future updates on various items.

ADJOURNMENT

At 12:01 a.m., Mayor Paul adjourned the meeting.

Kirsten Squarcia, City Clerk