



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, September 21, 2021

SPECIAL MEETING

At 5:30 p.m. Mayor Darcy Paul called the Special 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.

STUDY SESSION

1. Subject: Study Session to provide an update on the Pre-Approved Accessory Dwelling Unit Program and Accessory Dwelling Unit implementation
Recommended Action: That City Council receive the presentation and provide comments.

Written Communications for this item included a staff presentation.

Director of Community Development Ben Fu introduced the item.

Senior Planner Gian Martire gave a presentation.

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

Jennifer Griffin supported the City taking a responsible approach and was concerned about impacts with the passage of housing bills SB 9 and SB 10.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council received the presentation and provided the following comments.

- clarify 16 feet height maximum for setbacks in Municipal Code table 19.112.030a for new construction of detached ADUs of 800 square feet
- collect data for actual use of the ADUs
- look into adding the Wildland Urban Interface (WUI) to the categories list
- bring back required changes to Zoning Ordinance to include SB 9 language to reserve power to cities for denial authority by end of calendar year when SB 9 takes effect
- provide City notification of the projects and potential addition of on-street parking to adjacent neighbors

ADJOURNMENT

Mayor Paul adjourned the meeting at 6:34 p.m.

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 Suicide Prevention Month
Recommended Action: Present proclamation recognizing September as National Suicide Prevention Month

Mego Lien, Suicide Prevention Manager County of Santa Clara Behavioral Health Services, received the proclamation.

Mayor Paul presented the proclamation recognizing September as National Suicide Prevention Month.

2. Subject: Proclamation recognizing September 21 as World Alzheimer's Day
Recommended Action: Present proclamation recognizing September 21 as World Alzheimer's Day

Mayor Paul presented the proclamation recognizing September 21 as World Alzheimer's Day.

3. Subject: Certificates of recognition to the Cupertino Safe Routes to School (SR2S) Student Video Contest winners
Recommended Action: Present certificates of recognition to the Cupertino Safe Routes to School (SR2S) Student Video Contest winners

Safe Routes to School Coordinator Cherie Walkowiak introduced the item and played the winning student videos.

Middle School winner Sudisha Kumar and High School winning team Lindsey Tang, Crystal Cheng, and Avishi Trivedi received the certificates of recognition.

Mayor Paul presented the certificates of recognition to the Cupertino Safe Routes to School (SR2S) Student Video Contest winners.

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Jennifer Griffin opposed new housing laws SB 9 and SB 10 and was concerned about unconstitutionality and loss of local control. (Submitted written comments).

Lisa Warren supported a future initiative for local control and was concerned about regulating privacy screenings for ADUs alongside state requirements.

Paul Soto supported conducting a City meeting regarding redlining policies and the map of 1939 and the impacts of redlining.

Call-in User 3 was concerned about an unpermitted play structure her backyard that must be torn down and requested time to resolve the matter.

Mary supported Cupertino adopting an ordinance requiring the safe storage of firearms to protect the Cupertino community and similar to neighboring cities.

Tushar Shinde supported amendments to the City's Noise Ordinance to address the distance between residential and commercial properties and similar to other cities.

REPORTS BY COUNCIL AND STAFF (10 minutes)

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: City Manager Update
Recommended Action: Receive City Manager updates on emergency response efforts and other City business

Interim City Manager Greg Larson reported on COVID-19 case rates, testing locations, and vaccinations; and upcoming City events, and the Vallco development project.

Council received the City Manager updates on emergency response efforts and other City business.

CONSENT CALENDAR (Items 7-15)

Moore moved and Willey seconded to approve the items on the Consent Calendar except for Item No. 15 which was pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

7. Subject: Approve the September 7 City Council minutes
Recommended Action: Approve the September 7 City Council minutes
8. Subject: Consider Accepting Accounts Payable for the period ending August 2, 2021
Recommended Action: Adopt Resolution No. 21-082 accepting Accounts Payable for the period ending August 2, 2021

Written communications for this item included a Supplemental Staff Report Response to Council Inquiries.

9. Subject: Consider Accepting Accounts Payable for the period ending August 9, 2021
Recommended Action: Adopt Resolution No. 21-083 accepting Accounts Payable for the period ending August 9, 2021

10. Subject: Consider Accepting Accounts Payable for the period ending August 16, 2021
Recommended Action: Adopt Resolution No. 21-084 accepting Accounts Payable for the period ending August 16, 2021
11. Subject: Consider Accepting Accounts Payable for the period ending August 23, 2021
Recommended Action: Adopt Resolution No. 21-085 accepting Accounts Payable for the period ending August 23, 2021
12. Subject: Consider Accepting Accounts Payable for the period ending August 30, 2021
Recommended Action: Adopt Resolution No. 21-086 accepting Accounts Payable for the period ending August 30, 2021
13. Subject: Consider waiving planning permit fees for landscape conversion projects participating in an official City Climate Victory Garden Pilot Program or in Santa Clara Valley Water District's Landscape Rebate Program
Recommended Action: Adopt Resolution No. 21-087 that allows planning permit fees to be waived for Climate Victory Garden Pilot projects and Santa Clara Valley Water District Landscape Rebate Program projects
14. Subject: Consider Approval of a Contract between the City of Cupertino and Miracle Play Systems, Inc. for the Purchase and Installation of Themed Playground Equipment at Creekside Park Tot Lot
Recommended Action: Authorize the City Manager to Execute a Contract between the City of Cupertino and Miracle Play Systems, Inc., Using Pricing Established through the National Cooperative Purchase Program, in the Amount of \$222,194.96
15. Subject: Initiate Sixth-Cycle General Plan Housing Element update, consider consultant agreement to complete the Sixth-Cycle General Plan Housing Element update, related rezoning, and all necessary environmental review as required under State law, and associated budget modification.
Recommended Action: That the City Council adopt Resolution No. 21-088 (Attachment A) to:
1. Initiate the Sixth-Cycle General Plan Housing Element update;
 2. Award a consultant agreement for the Sixth-Cycle General Plan Housing Element update, related rezoning, and all necessary environmental review as required under State law;
 3. Authorize the City Manager to execute a consultant agreement based on the scope of work with EMC Planning Group to provide these services to the City, for an amount not to exceed \$748,040 (Attachment B);
 4. Authorize the City Manager to approve contract change order(s) for an amount not to exceed \$748,040 with EMC Planning Group; and
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5. Approve Budget Modification #2122-165 to increase appropriations in 100-71-702 750-101 (page 414 of the Fiscal Year 2021-22 Adopted Budget) by \$774,248 and increase revenues in 100-71-702 440-430 by \$352,613 for the Sixth-Cycle General Plan Housing Element Update, related rezoning, public noticing, legal counsel, and all necessary environmental review as required under State law for the fiscal year 2021-22.

Written Communications for this item included a staff presentation, a Supplemental Staff Report Response to Council Inquiries and an email to Council.

Community Development Director Ben Fu introduced the item.

Associate Planner Erika Poveda gave a presentation.

Councilmembers asked questions and made comments.

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

Paul Soto was concerned about the generational consequences of redlining and supported settling the legal violations of segregated housing.

Jennifer Griffin supported EMC Planning Group adopting a neutral position and considering community concerns and needs.

Jean Bedord supported approval of the consultant agreement for the Sixth-Cycle General Plan Housing Element update.

Mayor Paul closed the public comment period.

Wei moved and Chao seconded to adopt Resolution No. 21-088 per the staff report recommended action to:

1. Initiate the Sixth-Cycle General Plan Housing Element update;
2. Award a consultant agreement for the Sixth-Cycle General Plan Housing Element update, related rezoning, and all necessary environmental review as required under State law;
3. Authorize the City Manager to execute a consultant agreement based on the scope of work with EMC Planning Group to provide these services to the City, for an amount not to exceed \$748,040 (Attachment B);
4. Authorize the City Manager to approve no-cost contract change order(s) with EMC Planning Group; and

5. Approve Budget Modification #2122-165 to increase appropriations in 100-71-702 750-101 (page 414 of the Fiscal Year 2021-22 Adopted Budget) by \$774,248 and increase revenues in 100-71-702 440-430 by \$352,613 for the Sixth-Cycle General Plan Housing Element Update, related rezoning, public noticing, legal counsel, and all necessary environmental review as required under State law for the fiscal year 2021-22.

The motion carried unanimously.

Council recessed from 8:58 p.m. to 8:55 p.m.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

16. Subject: Consider adopting a resolution approving the addition of a Suicide Prevention Policy

Recommended Action: Adopt Resolution No. 21-089 establishing a Suicide Prevention Policy

Written Communications for this item included a staff presentation and emails to Council.

Management Analyst Astrid Robles gave a presentation.

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

Victor Ojakian, on behalf of National Alliance on Mental Illness Santa Clara County, supported adopting a Suicide Prevention Policy.

Mary Gloner, on behalf of Project Safety Net, supported adopting a Suicide Prevention Policy.

David Mineta, on behalf of Momentum for Health, supported adopting a Suicide Prevention Policy.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Mego Lien, Suicide Prevention Manager County of Santa Clara Behavioral Health Services, answered questions.

Chao moved and Wei seconded to adopt Resolution No. 21-089 establishing a Suicide Prevention Policy. The motion carried unanimously.

17. Subject: Consider adjustments to the revised Athletic Field Use Policy
Recommended Action: Consider adjustments to the revised Athletic Field Use Policy

Written Communications for this item included a staff presentation.

Parks and Recreation Director Joanne Magrini gave a presentation.

Councilmembers asked questions and made comments.

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

Council considered adjustments to the revised Athletic Field Use Policy and directed staff make further refinements based on Council's comments:

- provide a 6-month report to Council with extended usage suggestions;
- include 4-month input usage data;
- make suggestions for simplification; and
- bring back a presentation to Council at the second meeting in January.

18. Subject: City Work Program Update
Recommended Action: Receive City Work Program update

Written Communications for this item included a staff presentation, a Supplemental Staff Report Response to Council Inquiries, and Amended Attachment A.

Interim City Manager Greg Larson introduced the item.

Acting Deputy City Manager Katy Nomura gave a presentation.

Councilmembers asked questions and made comments.

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

Council received the City Work Program update.

ORAL COMMUNICATIONS - CONTINUED (As necessary) - None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers made brief comments and discussed potential future Work Program items.

ADJOURNMENT

At 11:57 p.m., Mayor Paul adjourned the meeting.

Kirsten Squarcia, City Clerk