



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, November 2, 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: Consider new 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 (Application No.: CP-2021-001; Applicant: City of Cupertino; Location: Citywide in all residential single family zones)
Recommended Action: That the City Council receive the report and provide direction to staff.

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

Planning Manager Piu Ghosh gave a presentation.

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

Paul Soto supported a policy perspective that accounts for the generational impacts of Redlining.

Peggy Griffin supported incorporating as many objectives standards as possible and the City issuing a memorandum describing the planned changes.

Jennifer Griffin opposed SB 9 and SB 10 and was concerned about excluding public input and subdividing utilities.

Lisa Warren supported incorporating objective standards and providing public noticing.

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

Paul moved and Moore seconded that the City Council direct staff to take Council's comments under advisement and return to Council with a proposed emergency ordinance with all of the suggestions made by each of the Councilmembers with regard to specific potential objective standards, including suggested code for the specified sloped lots, as well as work with local State elected officials offices to determine what other types of requirements can be incorporated within the confines of the permissions contemplated by Senate Bill 9 for this legislative session. The motion carried unanimously.

At 6:31 p.m., Mayor Paul adjourned the Special City Council Meeting.

ADJOURNMENT

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.

In open session, Mayor Paul reported out from the Special Meeting Closed Session held at 5:00 p.m. on November 2, 2021:

1. **Subject:** Public Employee Performance Evaluation (Government Code § 54957(b)(1)); **Title:** Interim City Manager.

Council conducted Public Employee Performance Evaluation (Government Code § 54957(b)(1)); Title: Interim City Manager.

Mayor Paul reported that there was no reportable action.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Presentation from United Against Hate and proclamation recognizing November 14 - 20, 2021 as United Against Hate Week
Recommended Action: Receive presentation from United Against Hate and present proclamation recognizing November 14 - 20, 2021 as United Against Hate Week

Jacqueline McCormick, Mayor's Chief of Staff for the City of Berkeley, gave a presentation and received the proclamation.

Council received the presentation from United Against Hate and Mayor Paul presented the proclamation recognizing November 14 - 20, 2021 as United Against Hate Week.

2. Subject: Proclamation recognizing November as Lung Cancer Awareness Month
Recommended Action: Present proclamation recognizing November as Lung Cancer Awareness Month

Sangkavi Kuhan, on behalf of The American Lung Cancer Screening Initiative, received the proclamation.

Mayor Paul presented the proclamation recognizing November as Lung Cancer Awareness Month

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Paul Soto supported inserting equity and social justice in the context of public policy and creating awareness of the generational traumas and injustices in policy.

Planning Commissioner Muni Madhhipatla (representing self) supported Council challenging the Cupertino Union School District (CUSD) Board's closure of schools and conducting a California Environmental Quality Act (CEQA) study and traffic impact analysis.

Jennifer Griffin was concerned about the logistics accommodating new parkland for the new housing resulting from SB 9 or SB 10.

Peggy Griffin was concerned the Bateh Brothers project conflicted with the General Plan and the Target Express site at Main Street exceeding the maximum percentage of restaurants. (Submitted written comments).

Bindiya Abhinkar opposed the CUSD decision to close schools and supported the City Council challenging the Board decision.

Lisa Warren was concerned about the maximum percentage of restaurants in Main Street as outlined in adopted Council Resolution No 12-098.

Tracy J opposed the CUSD decision to close schools and supported the City Council helping to stop the CUSD from closing the schools.

Liyun Li opposed the CUSD decision to close schools and supported an enrollment study and the City Council helping to protect Regnart School.

Amy Pang opposed the CUSD decision to close schools and supported a traffic study and the City Council addressing the CUSD Board decision.

REPORTS BY COUNCIL AND STAFF (10 minutes)

3. 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.

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

Council received brief reports on councilmember activities and brief announcements.

5. Subject: City Manager update
Recommended Action: Receive City Manager update on emergency response efforts and other City business

Interim City Manager Greg Larson reported on City staff announcements, and COVID-19 vaccination rates, mask mandates, and vaccine approvals.

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

CONSENT CALENDAR (Items 6-10)

Moore moved and Wei seconded to approve the items on the Consent Calendar as presented. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the October 16 City Council minutes
Recommended Action: Approve the October 16 City Council minutes
7. Subject: Approve the October 19 City Council minutes
Recommended Action: Approve the October 19 City Council minutes
8. Subject: Approve the October 24 City Council minutes
Recommended Action: Approve the October 24 City Council minutes
9. Subject: Approve the October 26 City Council minutes
Recommended Action: Approve the October 26 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 2, 2021 through December 2, 2021 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 21-098 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period November 2, 2021 through December 2, 2021 pursuant to the Brown Act, as amended by AB 361

SECOND READING OF ORDINANCES

11. Subject: Consider the second reading of Ordinance No. 21-2232 adopting amendments to the Cupertino Municipal Code Title 17, Environmental Regulations, to add a new Chapter, Chapter 17.04, to adopt standard environmental protection requirements for construction, development and other similar or related activities. (Application No(s): MCA-2021-004; Applicant(s): City of Cupertino; Location: citywide)
Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 21-2232: "An Ordinance of the City Council of the City of Cupertino adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Cupertino Municipal Code."

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

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2232: "An Ordinance of the City Council of the City of Cupertino adding Chapter 17.04 (Standard Environmental Protection Requirements) to the Cupertino Municipal Code."

Moore moved and Willey seconded to read Ordinance No. 21-2232 by title only, and that the City Clerk's reading constitutes the second reading thereof; and to enact Ordinance No. 21-2230. Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS

12. Subject: For the future operations of the Municipal Water System, consideration of: 1) Key Lease Terms for a new Long-Term Lease; 2) First Amendment of the Current Lease Agreement with San Jose Water Company to extend the term up to three years; and 3) Request to increase Public Works Administration - Special Projects Budget Allocation. Recommended Action: 1) Provide input on Key Lease Terms for a new Long-Term Lease;
- 2) Conduct a Public Hearing to consider a First Amendment to extend the term of the Current Lease Agreement with San Jose Water Company for lease of the Cupertino Municipal Water System up to three years;
- 3) Adopt Resolution 21-099 (Attachment A), approving a First Amendment to the Current Lease Agreement for lease of real property (Water System) with San Jose Water Company; and
- 4) Approve Budget Modification #2122-170 increasing appropriations in Public Works Administration - Special Projects (100-80-800 750-071) by \$31,500 for the Municipal Water System Project.

Written Communications for this item included a staff presentation and amended Draft Resolution.

Interim City Manager Greg Larson introduced the item.

Director of Public Works Roger Lee gave a presentation.

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

Rhoda Fry supported an alert mechanism for sudden water waste by customers and was concerned about water usage outside of the service area but allocated to Cupertino.

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

Paul moved and Moore seconded approval of the staff recommendation to:

- 1) Provide input on Key Lease Terms for a new Long-Term Lease;
- 2) Conduct a Public Hearing to consider a First Amendment to extend the term of the Current Lease Agreement with San Jose Water Company for lease of the Cupertino Municipal Water System up to three years;
- 3) Adopt Resolution 21-099, approving a First Amendment to the Current Lease Agreement for lease of real property (Water System) with San Jose Water Company; and
- 4) Approve Budget Modification #2122-170 increasing appropriations in Public Works Administration - Special Projects (100-80-800 750-071) by \$31,500 for the Municipal Water System Project.

The motion carried unanimously.

Council recessed from 8:55 p.m. to 9:00 p.m.

ORDINANCES AND ACTION ITEMS

13. Subject: FY 2021-2022 City Work Program Q1 Update
Recommended Action: Receive FY 2021-2022 City Work Program Q1 Update

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

Interim City Manager Greg Larson gave a presentation.

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

Jennifer Griffin supported the presentation and was concerned about loss of local control.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council received the FY 2021-2022 City Work Program Q1 Update.

ORAL COMMUNICATIONS - CONTINUED (As necessary)

Frances Hu opposed the CUSD decision to close schools and supported a traffic impact study and the City Council taking action to rescind the decision on closures.

Eunice Pang opposed the CUSD decision to close schools and supported the Council agendaizing the matter for discussion.

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Added the following potential agenda items:

- Receive update on the Cupertino Union School District (CUSD) decision to close and consolidate schools within the district and discuss writing a letter to the CUSD Board to reconsider the decision (Willey/Chao)
- Discuss the 30-day limit to challenge General Plan violations (Chao/Moore)

ADJOURNMENT

At 10:22 p.m., Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia City Clerk