APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, January 18, 2022

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 the Cupertino Library Foundation for its efforts through the pandemic in outreach and programming, as well as for their work on supporting the Library Expansion efforts
Recommended Action: Present proclamation recognizing the Cupertino Library Foundation for its efforts through the pandemic in outreach and programming, as well as for their work on supporting the Library Expansion efforts

Jim Davis and Kiran Varshnaya received the proclamation on behalf of the Cupertino Library Foundation.

Mayor Paul presented the proclamation recognizing the Cupertino Library Foundation for its efforts through the pandemic in outreach and programming, as well as for their work on supporting the Library Expansion efforts.

2. Subject: Proclamation to the Hindu Swayamsevak Sangth, USA Inc. non-profit supporting the "Health for Humanity - Yogathon" also known as "Surya Namaskar Yajina" (Sun Salutation Yogathon) held from January 15 to January 30, 2022
Recommended Action: Present proclamation to the Hindu Swayamsevak Sangth, USA Inc. non-profit supporting the "Health for Humanity - Yogathon" also known as "Surya Namaskar Yajina" (Sun Salutation Yogathon) held from January 15 to January 30, 2022

Vandana Pathak received the proclamation on behalf of the Hindu Swayamsevak Sangth, USA Inc. non-profit and gave a presentation.

Mayor Paul presented proclamation to the Hindu Swayamsevak Sangth, USAInc. non-profit supporting the "Health for Humanity - Yogathon" also known as "Surya Namaskar Yajina" (Sun Salutation Yogathon) held from January 15 to January 30, 2022.

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

Shani Kleinhaus opposed the relocation of City of Cupertino employee Keith Wandry from McClellan Ranch to the Senior Center and requested a review of the decision.

Kendra Rosenburg requested Council review the definitions for ADUs (Accessory Dwelling Units) in certain zones to convert existing crawl spaces. (Submitted written comments).

Douglas Pasos was concerned about his neighbor frequently parking in the fire lane and using an illegally installed bright light fixture which faces his unit. (Submitted written comments).

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

Councilmembers highlighted the activities of their various committees.

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

Council received the City Manager update on emergency response efforts.

CONSENT CALENDAR (Items 6-13)

Moore moved and Wei seconded to approve the items on the Consent Calendar except for Item Nos. 9, 12, and 13 which were pulled for discussion. Ayes: Paul, Moore, Wei, and Willey. Noes: None. Abstain: Chao. Absent: None.

6. Subject: Approve the December 21 City Council minutes
Recommended Action: Approve the December 21 City Council minutes

7. Subject: Approve the January 3 City Council minutes
Recommended Action: Approve the January 3 City Council minutes

8. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period January 20, 2022 through February 16, 2022 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 22-012 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period January 20, 2022 through February 16, 2022 pursuant to the Brown Act, as amended by AB 361

9. Subject: Consider approving the attached addendum to the Memoranda of Understanding between the City of Cupertino and the Cupertino Employees Association (CEA)/IFPTE Local 21 and Operating Engineers Union Local No. 3 (OE3) AFL-CIO, for the period of July 16, 2019 to June 30, 2022 adding a City-sponsored Section 125 Premium Only (POP) Plan and modifying existing leave sell-back provisions in compliance with IRS "constructive receipt" doctrine.
Recommended Action: Approve the attached addendums to adopt a City-sponsored Section 125 Premium Only (POP) Plan and modify existing leave sell-back provisions in compliance with IRS "constructive receipt" doctrine.

Written Communications for this item included Attachment C- Operating Engineers Union Local No. 3 (OE3) Side Letter Agreement.

Administrative Services Director Kristina Alfaro reviewed the staff report.

Councilmembers asked questions and made comments.

Paul moved and Willey seconded to approve the addendums to adopt a City-sponsored Section 125 Premium Only (POP) Plan and modify existing leave sell-back provisions in compliance with IRS "constructive receipt" doctrine. The motion carried unanimously.

10. Subject: Consider Accounts Payable for the period ending December 6, 2021
Recommended Action: Adopt Resolution No. 22-013 accepting Accounts Payable for the period ending December 6, 2021

11. Subject: Consider Accounts Payable for the period ending December 13, 2021
Recommended Action: Adopt Resolution No. 22-014 accepting Accounts Payable for the period ending December 13, 2021

12. Subject: Consider Accounts Payable for the period ending December 20, 2021
Recommended Action: Adopt Resolution No. 22-015 accepting Accounts Payable for the period ending December 20, 2021

Vice Mayor Chao left the meeting at 7:35 p.m.

Councilmembers asked questions and made comments.

Finance Manager Zach Korach answered questions.

Council unanimously consented to table this item to February 1 pending staff provisions of materials requested by Councilmembers (Chao absent).

13. Subject: Consider Accounts Payable for the period ending January 3, 2022
Recommended Action: Adopt Resolution No. 22-016 accepting Accounts Payable for the period ending January 3, 2022

Councilmembers asked questions and made comments.

Acting Public Works Director Jimmy Tan answered questions.

Council unanimously consented to table this item until February 1 pending staff provisions of answers to Councilmember questions (Chao absent).

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

14. Subject: Abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 21-112; hearing for impacted property owners to contest the matter of proposed abatement
Recommended Action: Adopt Resolution No. 22-017 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino

Municipal Code Chapter 9.08 and Resolution No. 21-112; and conduct hearing for impacted property owners to contest the matter of proposed abatement

Written Communications for this item included a staff presentation.

City Clerk Kirsten Squarcia gave a presentation.

Councilmembers asked questions and made comments.

Santa Clara County Weed Abatement Manager Moe Kumre answered questions.

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

Lisa Warren asked about the County's required methods for parcel owners to abate.

Mayor Paul closed the public hearing.

Paul moved and Willey seconded to adopt Resolution No. 22-017 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of CupertinoMunicipal Code Chapter 9.08 and Resolution No. 21-112. The motion carried unanimously with Chao absent.

15. Subject: Consider Development and Architectural and Site Approval permits that would allow the replacement of seven (7) storage buildings, with three (3) new buildings between one (1) and three (3) stories in height to allow for a 166,845 sq. ft. storage facility; Consider a Fence Exception request to allow electronic vehicular gates and a Tree Removal Permit request to allow the removal and replacement of eight (8) protected trees. (Application No(s): DP-2019-05, ASA-2019-05, EXC-2019-04, TR-2019-048; Applicant(s): Emilia Samudio (Jordan Architects); Location: 10655 Mary Ave.; APN: 326-06-050)

Recommended Action: Staff, in accordance with draft resolutions (Attachments A-D), recommends that the City Council:

1. Find the project exempt from CEQA;
2. Adopt Resolution No. 22-018 approving the Development Permit (DP-2019-05);
3. Adopt Resolution No. 22-019 approving the Architectural and Site Approval(ASA-2019-05);
4. Adopt Resolution No. 22-020 approving the Fence Exception (EXC-2019-04);
5. Adopt Resolution No. 22-021 approving the Tree Removal Permit (TR-2019-048)

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.

Curtis Leigh, Principal and Partner for Hunter Properties, gave an introduction.

Marcello Quiroga, Senior Project Manager for Jordan Architects, gave a presentation.

Council recessed from 8:11 p.m. to 8:17 p.m.

Councilmembers asked questions and made comments.

Vice Mayor Chao rejoined the meeting at 8:20 p.m.

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

Moore moved and Willey seconded the staff recommendation with an amendment to require MERV 13 or better air filtration in the manager's habitation unit upstairs. Wei made a friendly amendment to include the office unit downstairs. (Moore and Willey accepted the friendly amendment).

Final Motion:
Moore moved and Willey seconded the staff recommendation as amended to:
1. Find the project exempt from CEQA;
2. Adopt Resolution No. 22-018 approving the Development Permit (DP-2019-05) as amended to modify Condition No. 11;
3. Adopt Resolution No. 22-019 approving the Architectural and Site Approval (ASA-2019-05);
4. Adopt Resolution No. 22-020 approving the Fence Exception (EXC-2019-04);
5. Adopt Resolution No. 22-021 approving the Tree Removal Permit (TR-2019-048); and
6. Modify DP-2019-05 Condition No. 20 to add a requirement for MERV 13 or better air filtration in both the manager's habitation unit upstairs and the office unit downstairs.

The amended motion carried unanimously.

ORDINANCES AND ACTION ITEMS

16. Subject: Athletic Field Use Policy Update
Recommended Action: Receive an update on the Athletic Field Use Policy and provide direction on next steps.

Parks and Recreation Director Joanne Magrini gave a presentation.

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

Manav and Nivedita Meethan supported allowing field use for cricket on Sundays.

Hemant Buch supported keeping fees the same and increasing Sunday usage for the cricket field.

Mohak supported the use and availability of Library Field as a cricket field.

Ashrith Chinnam and his father supported having a cricket field open one or two days a week.

Shiva K supported cricket field usage on Sundays at Library Field.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Willey seconded the staff recommendation with a pilot program until June 30, 2022 to allow up to the maximum of one Sunday game per month for Library Field, which is the only Cricket field in the entire city. The impact to the residents will be assessed in 6 months. Council did not vote on this motion.

Chao amended her motion (accepted by Willey) to move the staff recommendation with a pilot program until June 30, 2022 to allow up to the maximum of one Sunday reservation per month (for Cricket use) for Library Field. This is because Library Field is the only Cricket field in the entire city. The impact to the residents will be assessed in 6 months. During the pilot:

- The current limit of 2 Sunday reservations for games per year for the Cricket use of Library Field will be waived.
- The current limit of max 10 Sunday reservations for the Library Field per year could be adjusted by staff to 15 Sunday reservations.

The amended motion carried unanimously.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers added the following future agenda items.

- Consider amendments to the General Plan language to avoid a situation where the City Council's privilege of making alterations to a proposed housing project is limited due to the Housing Accountability Act (Moore/Willey/Chao)
- Consider forming a subcommittee to review every housing element site and planned development zoning district site (to apply with a residential development) to consider development standards for each parcel; with the timing to be in conjunction with the Housing Element (Chao/Moore)

ADJOURNMENT

17. Subject: Adjourn in memory of former Cupertino Mayor John Gatto

At 10:19 p.m., Mayor Paul adjourned the Regular City Council Meeting in memory of former Cupertino Mayor John Gatto.

Kirsten Squarcia City Clerk