



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, March 1, 2022**

**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 a Study Session on the proposed ordinance language and phasing for a Single-Use Plastics Ordinance  
**Recommended Action:** Conduct a Study Session on the proposed ordinance language and phasing for a Single-Use Plastics Ordinance  
Presenter: Ursula Syrova, Environmental Programs Manager

Written Communications for this item included a staff presentation.

Environmental Programs Manager Ursula Syrova gave a presentation.

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

Jennifer Griffin maintained a neutral position in supporting the draft ordinance and asked about the City's jurisdiction to regulate foodware.

Lisa Warren supported the draft ordinance and partnering with other agencies to share the increase in cost.

Gwyn Azar, on behalf of the Cupertino Chapter of Silicon Valley Youth Climate Action,

supported the draft ordinance.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Council conducted the Study Session on the proposed ordinance language and phasing for a Single-Use Plastics Ordinance and provided feedback to staff.

Councilmember comments included: Support for basic concepts of limiting plastics and requiring reusables for dining in, clarify and define the temporary waiver and exemption process so as to not hurt businesses, make it a broad-based effort that looks beyond foodware (e.g. other packaging), continue outreach to businesses and the community for feedback on this topic and to promote using reusable foodware whenever possible (including schools), find a consultant with restaurant industry experience to provide support, explore a pilot of reusable takeout foodware, explore requiring compostable produce bags, compare the greenhouse gas lifecycle assessments of recycling plastics vs composting fiber-based foodware, clarify the use of plastic lids for paper cups, clarify foil-based containers and wraps, build in accommodation for future changes in compostable foodware that might allow for acceptable compostable plastic-type containers, consider a six-month incentive pilot before mandating changes, explore ways of coordinating timing of similar efforts with neighboring cities, return in April with input and feedback and propose an initial ordinance reading.

## **ADJOURNMENT**

At 6:30 p.m., Mayor Paul adjourned the Special City Council Meeting.

## **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 declaring March as Youth Arts Month on behalf of those who advocate for art education to all elementary, middle and secondary students  
Recommended Action: Present proclamation declaring March as Youth Arts Month on behalf of those who advocate for art education to all elementary, middle and secondary students

Written Communications for this item included a presentation.

Mayor Paul presented the proclamation declaring March as Youth Arts Month to Arts Coordinator Sofia Fojas representing the Santa Clara County Office of Education.

2. Subject: Proclamation proclaiming March as American Red Cross Month and presentation from the American Red Cross regarding local activities  
Recommended Action: Present proclamation proclaiming March as American Red Cross Month and receive presentation from the American Red Cross regarding local activities

Written Communications for this item included a presentation.

Mayor Paul presented the proclamation proclaiming March as American Red Cross Month to Volunteer Stuart Chessen representing the American Red Cross Silicon Valley Chapter.

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

#### **ORAL COMMUNICATIONS**

Connie Chao supported adding more DOLAs (Dogs Off-Leash Areas) in Cupertino and their positive impact on the community.

Jennifer Griffin opposed new bill AB 2097 to reduce parking minimums across the state potentially eliminate electrical vehicle recharging sites in new construction.

Kwang Liew supported adding more DOLAs in Cupertino and their benefits to the community.

#### **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 and other City business.

#### **CONSENT CALENDAR (Items 6-9)**

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

6. Subject: Approve the February 15 City Council minutes  
Recommended Action: Approve the February 15 City Council minutes
7. Subject: Approve the February 17 City Council minutes  
Recommended Action: Approve the February 17 City Council minutes
8. Subject: Consider resignation of Bicycle Pedestrian Commission member Maanya Condamoor and direct staff on filling the unscheduled vacancy  
Recommended Action: 1. Direct staff to initiate a special recruitment and approve the application deadline and interview date for filling the unscheduled vacancy:  
a. Deadline for applications of 4:30 p.m. on Friday, April 15, 2022 and  
b. Applicant interview date of 5:30 p.m., Tuesday, April 26, 2022
9. Subject: Receive the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2021-22 Adopted Budget  
Recommended Action: Receive the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2021-22 Adopted Budget

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

Jean Bedord supported further recognition of this item and was concerned about Finance Manager Zach Korach's decision to leave the City of Cupertino.

Mayor Paul closed the public comment period.

Director of Administrative Services Kristina Alfaro reviewed the staff report.

Councilmembers made comments.

Council received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2021-22 Adopted Budget.

## SECOND READING OF ORDINANCES - None

## PUBLIC HEARINGS

10. Subject: Consideration of Vacation of a Public Pedestrian Walkway Easement through Tract 9405, which runs through Campo De Lozano subdivision, located near 20138 Rodrigues Avenue.

Recommended Action: Consider conducting a public hearing, adopting Resolution No. 22-031 (Attachment A) to vacate a public pedestrian walkway easement through Tract 9405.

Presenter: Chad Mosley, Assistant Director/City Engineer

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

Assistant Director of Public Works/City Engineer Chad Mosley gave a presentation.

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

Revathy Narasimhan opposed closing the path.

Marilyn Sherry opposed vacating the City's easement to close the Lozano path.

Dino Sakkas opposed closing the path along Lozano Lane to Regnart Creek.

Helene Davis opposed closing the Lozano path.

John Zhu supported approving the Draft Resolution to vacate the walkway. (Submitted written comments).

Jano Banks opposed the Draft Resolution to close the walkway.

Gary Virshup opposed granting the Lozano Lane easement.

Seema Lindskog opposed closing Lozano Lane access to the Regnart Creek path. (Submitted written comments).

Kevin Lu supported using alternative access points.

Jennifer Shearin opposed closing access to the path. (Submitted written comments).

Housing Commissioner Connie Cunningham (representing self) opposed closing the Regnart Creek path along Lozano.

Juliet Shearin opposed giving the Lozano Lane easement to the homeowners.

Stella supported closing the easement.

Jean Bedord opposed granting a private park to the Lozano Lane homeowners association and the Draft Resolution.

Xingchi opposed opening access to the walkway and trail.

Taghi Saadati opposed the Draft Resolution.

Christina Yang supported closing the Lozano easement path.

Lili Kouban supported the Draft Resolution and closing the pathway.

Vivian supported closing the pathway.

Bicycle Pedestrian Commissioner Erik Lindskog (representing self) opposed closing the path.

Janet Van Zoeren opposed closing the trail.

Planning Commissioner Steven Scharf (representing self) supported access to the path.

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

Paul moved and Willey seconded that Council direct staff to place a “pedestrian pathway - no cycling” or similar sign on both sides of the Campo de Lozano pedestrian pathway easement and return to Council after gathering usage and safety data at this easement for one calendar year (or earlier if needed), with recommendations based upon that data. Council did not vote on this motion.

Moore moved and Chao seconded a substitute motion to direct staff to comeback with the crosswalks mapped both with and without the Lozano Lane crossing informing Council how it will be a safe area for crossings and suggest the proper signage and safety precautions. Council did not vote this substitute motion.

Council also provided direction to staff to follow-up and provide information about the other three example trail crossings within the City that have easements.

Chao made a friendly amendment to the substitute motion to direct staff to return to Council one year after the formal opening of the trail to discuss whether the access point and Lozano easement should remain given the then existing data regarding the crosswalk infrastructure at Lozano. (Chao and Moore accepted the friendly amendment to the substitute motion).

Chao made a friendly amendment to modify the amended substitute motion to direct staff to come back with a crosswalk mapped both with and without the Lozano Lane entrance informing Council how it will be a safe area for crossings and have staff suggest proper signage and safety precautions for the trail entrance; and come back at a future meeting. (Moore and Chao accepted the modified amendment to the substitute motion).

Chao made a second friendly amendment to modify the amended substitute motion to direct staff to come back with a crosswalk mapped both with and without the Lozano Lane entrance informing Council how it will be a safe area for crossings and have staff suggest proper signage and safety precautions **and hours of operation** for the trail entrance; and come back at a future meeting. (Moore and Chao accepted the second modified amendment to the substitute motion).

Chao made a third friendly amendment to modify the amended substitute motion to direct staff to come back with a crosswalk mapped both with and without the Lozano Lane entrance informing Council how it will be a safe area for crossings and have staff suggesting proper signage and safety precautions and hours of operation for the trail entrance **and considering the value of access points at the Lozano easement at that**

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time; and to come back at a future meeting. (Moore and Chao accepted the third modified amendment to the substitute motion). The modified amended substitute motion carried with Wei voting no.

Final Motion:

Moore and Chao moved a modified amended substitute motion to direct staff to:

- return to Council one year after the formal opening of the trail to discuss whether the access point and Lozano easement should remain given the then existing data regarding the crosswalk infrastructure at Lozano; and
- come back with a crosswalk mapped both with and without the Lozano Lane entrance informing Council how it will be a safe area for crossings and have staff suggesting proper signage and safety precautions and hours of operation for the trail entrance and considering the value of access points at the Lozano easement at that time; and to come back at a future meeting.

The modified amended substitute motion carried with Wei voting no.

Council also provided direction to staff to follow-up and provide information about the other three example trail crossings within the City that have easements.

Council recessed from 10:08 p.m. to 10:14 p.m.

## ORDINANCES AND ACTION ITEMS

11. Subject: Consider accepting the Mid-Year Financial Report for Fiscal Year 2021-22; consider adopting Resolution No. 22-032 approving Budget Modification #2122-189 increasing appropriations by \$9,457,951 and revenues by \$10,220,000

Recommended Action: 1. Consider Accepting the City Manager's Mid-Year Financial Report for FY 2021-22

2. Consider Adopting Resolution No. 22-032 approving Budget Modification #2122-189 increasing appropriations by \$9,457,951 and revenues by \$10,220,000

3. Consider Approving the Conversion of (One) Limited-Term Project Manager Position to Full-Term Position.

4. Consider Approving Amendments to City's Committed, Unassigned Fund Balance, and Use of One Time Funds Policy which includes the following changes:

a. Consider Approving \$2,000,000 contribution from the General Fund to the City's Section 115 Pension Trust

b. Consider Increasing the City's General Fund Economic Uncertainty Committed Reserve by \$5,000,000

c. Consider Establishing a General Fund Capital Project Committed Reserve in the amount of \$10,000,000

Presenter: Kristina Alfaro, Administrative Services Director



Moore moved and Chao seconded to continue this item to the Special City Council Meeting on March 8. The motion carried unanimously.

12. Subject: Progress update of the Housing Element Update, and review, discuss, and approve selection of stakeholders group  
Recommended Action: Receive report and provide feedback on the progress, review the stakeholders selection process, and consider approval of the stakeholders group  
Presenter: Ben Fu, Community Development Director

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

Ande Flower, Principal Planner at EMC Planning Group, gave a presentation.

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

Jennifer Griffin was concerned about the process and supported public attendance in the stakeholder meetings and reviewing all sites.

Alison Cingolani, on behalf of SV@Home, supported the list of stakeholder candidates and including members from all economic segments of the community.

Lisa Warren supported the progress in selecting the stakeholders list, community input, and in-person stakeholder meetings.

Jean Bedord supported the list of stakeholder candidates, selecting representatives who need housing, and moving forward with the process.

Neil McClintick, on behalf of Cupertino for All, supported choosing stakeholder members from various backgrounds and best efforts to meet outreach standards.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Wei moved to approve the list of 16 stakeholder candidates. There was no second and the motion was not considered.

Chao moved to form a Council Subcommittee to work with the Housing Element consultants for:

1. General community outreach to leverage existing resources, including, but not limited to, the list who took the 2021 Housing Survey; block leaders, those who interviewed for the Vallco Specific Plan and recommendations from Councilmembers, Planning and Housing Commissioners, and the applicants for the stakeholder groups.
2. To study the certified Housing Element to find out the exact requirements of AFFH (Affirmatively Furthering Fair Housing) to ensure that we follow HCD's (California Department of Housing and Community Development) instruction.

There was no second and the motion was not considered.

Paul moved and Chao seconded to continue this item to the Special City Council Meeting on March 8, to be heard after item 11. The motion carried unanimously.

**ORAL COMMUNICATIONS - CONTINUED (As necessary) – None**

**COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Council did not hear this item.

**ADJOURNMENT**

At 12:03 a.m., on Wednesday, March 2, Mayor Paul adjourned the Regular City Council Meeting.



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Kirsten Squarcia City Clerk