



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, April 5, 2022**

**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 the Uenaka family and their business Cupertino Florist for more than 50 years of service to our local community  
Recommended Action: Present proclamation recognizing the Uenaka family and their business Cupertino Florist for more than 50 years of service to our local community

Written Communications for this item included a recipient presentation.

Orrin Mahoney received the proclamation on behalf the Uenaka family.

Mayor Paul presented the proclamation recognizing the Uenaka family and their business Cupertino Florist for more than 50 years of service to our local community.

2. Subject: Proclamation declaring April as Fair Housing Month commemorating the 54th anniversary of the enactment of the Federal Fair Housing Act of 1968 (Title VIII of the Civil Rights Act) which guarantees equal housing opportunities for all  
Recommended Action: Present proclamation declaring April as Fair Housing Month commemorating the 54th anniversary of the enactment of the Federal Fair Housing Act of 1968 (Title VIII of the Civil Rights Act) which guarantees equal housing opportunities for all

Written Communications for this item included a recipient presentation.

Lark Ritson, Enforcement & Litigation Director for Project Sentinel, received the proclamation.

Mayor Paul presented the proclamation declaring April as Fair Housing Month commemorating the 54th anniversary of the enactment of the Federal Fair Housing Act of 1968 (Title VIII of the Civil Rights Act) which guarantees equal housing opportunities for all.

## **POSTPONEMENTS AND ORDERS OF THE DAY**

### **ORAL COMMUNICATIONS**

Peggy Griffin was concerned about grant counting and fee waiver amounts given to organizations and the Vallco SB 35 modifications in the newly submitted tentative map.

Jennifer Griffin was concerned about parcels that are being rezoned by the City of San Jose and informing the public on the rezoning of land across the State.

Planning Commissioner Muni Madhhipatla (representing self) supported considering a vacancy tax, foreign ownership tax, and restricting corporate ownership of homes.

Liana Crabtree was concerned about the commodification of housing and the SB 35 modification application documents as presented on the City website.

Lisa Warren supported a vacancy tax, foreign ownership tax, and housing audit and was concerned about a delayed and narrowly focused Housing Element process.

City Clerk Kirsten Squarcia read an email on behalf of Albert Hoffman opposing a Cupertino Union School District presentation to Council on March 18 and supported a Board Member recall petition.

### **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
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Councilmembers highlighted the activities of their various committees.

5. Subject: City Manager update  
Recommended Action: Receive City Manager update on City business

City Manager Jim Throop introduced new Public Works Director Matt Morley and provided updates on upcoming City events.

Council received the City Manager update on City business.

### **CONSENT CALENDAR (Items 6-11)**

Wiley moved and Wei seconded to approve the items on the Consent Calendar except for Item 8 which was pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Wiley. Noes: None. Abstain: None. Absent: None.

6. Subject: Approve the March 8 (Continued from March 1) City Council minutes  
Recommended Action: Approve the March 8 (Continued from March 1) City Council minutes
7. Subject: Approve the March 8 (Council Goals and Work Program) City Council minutes  
Recommended Action: Approve the March 8 (Council Goals and Work Program) City Council minutes
8. Subject: Approve the March 15 City Council minutes  
Recommended Action: Approve the March 15 City Council minutes

Written Communications for this item included in an Amended Attachment A - Draft Minutes for Agenda Item 12, Page 9.

City Clerk Kirsten Squarcia reviewed the Amended Attachment A - Draft Minutes.

Councilmembers asked questions and made comments.

Paul moved and Moore seconded to adopt the Amended Draft Minutes. The motion failed with Moore and Chao voting no and Paul abstaining.

Paul moved and Moore seconded to approve the March 15 City Council minutes as presented on the agenda. The motion carried unanimously.

9. Subject: Approve the March 24 City Council minutes  
Recommended Action: Approve the March 24 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 April 5, 2022 through May 5, 2022 pursuant to the Brown Act, as amended by AB 361  
Recommended Action: Adopt Resolution No. 22-035 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period April 5, 2022 through May 5, 2022 pursuant to the Brown Act, as amended by AB 361
11. Subject: Consider Approval of Letter to the Santa Clara County Local Agency Formation Commission in Support of Annexation of Lawrence Expressway and Mitty Avenue Properties  
Recommended Action: Approve sending a letter to the Santa Clara County Local Agency Formation Commission in support of annexation of Lawrence Expressway and Mitty Avenue properties

**SECOND READING OF ORDINANCES - None**

**PUBLIC HEARINGS - None**

**ORDINANCES AND ACTION ITEMS**

12. Subject: Consider Council Goals and Prioritize Potential Fiscal Year 2022-2023 City Work Program Items  
Recommended Action: Adopt Council Goals and Prioritize Potential Fiscal Year 2022-2023 City Work Program Items

Written Communications for this item included a staff presentation, Updated Attachment B - Proposed Items with Resource Considerations in Priority Order, FY 2022-23 City Work Program Council Ratings, and emails to Council.

Deputy City Manager Katy Nomura gave a presentation.

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

Taghi Saadati supported prioritizing safety improvements for people who walk and bike including the Carmen Bridge Project.

Jennifer Griffin supported prioritizing safety considerations for ADUs being built 6 inches from public utility easements and 4-foot setback allowances.

Richard Adler supported Item 15 Senior Strategy and funding for surveying the needs of senior residents.

Jason supported Item 16 for the Automated License Plate Reader.

Jian He supported safer walking and biking routes including the Carmen Bridge Project.

Larry Dean supported safer walking and biking routes and funding for the Carmen Bridge Project.

Louise Saadati supported Item 17 for Dog Off-Leash Areas (DOLAs) and adding more DOLA trials and dog parks. (Submitted written comments).

Lu Dong supported Item 17 for DOLAs and adding more DOLA trials and dog parks.

Deepa Mendraker supported Item 17 for DOLAs and adding more DOLA trials and dog parks.

Guari Dutt ceded her time to Louise in support of DOLAs.

Mary Ellen Chell supported Item 17 for DOLAs and adding more DOLA trials and dog parks.

Connie Chao supported Item 17 for DOLAs and adding more DOLA trials and dog parks.

Liana Crabtree supported any work program items for housing, an empty home tax, a community land trust, and a housing audit.

Peggy Griffin supported a vacancy tax, foreign ownership tax, restricting corporate ownership to apartments, and a housing audit. (Submitted written comments).

Magesh Mylvaganan supported Item 17 for DOLAs and adding more DOLA trials and dog parks.

Jolene Goh supported Item 17 for DOLAs and adding more DOLA trials and dog parks.

Janet Van Zoeren supported Item 5 for ELI and BMR housing for developmentally disabled individuals along Mary Avenue and at the Outback Steakhouse location.

Jay Kamdar opposed prioritizing the Carmen Bridge Project and supported alternatives

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including spending funds on public safety.

Call-in User 3 supported building a Valley Transit Authority (VTA) light rail project in the City.

Lisa Warren opposed prioritizing the Carmen Road Bridge and supported funding projects that would benefit a broader population.

Frank Yang supported prioritizing walking and biking safety for youth and seniors and the Carmen Bridge project.

City Clerk Kirsten Squarcia read an email on behalf of Patrick Kwok opposing the Carmen Bridge Project.

Mayor Paul closed the public comment period.

Council recessed from 8:35 p.m. to 8:40 p.m.

Councilmembers asked questions and made comments.

Paul moved and Chao seconded to:

- Add two items:
  1. Direct staff to come up with descriptions based upon Council discussion for the housing ownership strategy study session; and
  2. Modify Item 15 to include the staff recommendation for a survey of the senior population;
- Remove the items that received a sum rating of 1 and were recommended to not be included;
- Remove the items that received a sum rating of 2 and were recommended to not be included;
- Remove #48 for Cal Trans Adopted Highway Program; and
- Receive back the newly formed list of items for prioritization at the April 19 City Council meeting

Chao added a friendly amendment to add to the Dog Off-Leash Area (DOLA) item, "two new trials should start as soon as feasible, and the new trial should last at least 6 months unless the trial is adjacent to a field or playground." (Paul accepted the friendly amendment).

Paul added a modification to his motion to add a study session on City-owned properties. (Chao accepted the modification).

Chao added a friendly amendment to include with Item 24:

1. Restart a home share program
2. Explore BMR or middle-income housing funded by the \$819 million campus bond measure

(Paul accepted the friendly amendment)

Paul modified his motion to direct staff to create a single-page voting sheet for April 19 that will be published with the other materials. (Chao accepted the modification).

Paul amended his motion to restrict new items being added on after this point. (Chao accepted the amendment).

The amended and modified motion carried unanimously.

#### Final motion

Paul moved and Chao seconded to:

- Add two items:
  1. Direct staff to come up with descriptions based upon Council discussion for the housing ownership strategy study session; and
  2. Modify Item 15 to include the staff recommendation for a survey of the senior population;
- Remove the items that received a sum rating of 1 and were recommended to not be included;
- Remove the items that received a sum rating of 2 and were recommended to not be included;
- Remove #48 for Cal Trans Adopted Highway Program;
- Receive back the newly formed list of items for prioritization at the April 19 City Council meeting;
- Add to the DOLA item, “two new trials should start as soon as feasible, and the new trial should last at least 6 months unless the trial is adjacent to a field or playground”;
- Add a study session on City-owned properties;
- Include with Item 24:
  1. Restart a home share program; and
  2. Explore BMR or middle-income housing funded by the \$819 million campus bond measure;
- Direct staff to create a single-page voting sheet for April 19 that will be published with the other materials;
- Restrict new items being added on after this point.

The amended and modified motion carried unanimously.

13. Subject: Consideration of corrections to the current Teen Commission staggered term groups to return the Commission back to the term cycle that is specified by Cupertino Municipal Code, Chapter 2.95 Teen Commission  
Recommended Action: Consider making corrections to the current Teen Commission staggered term groups to return the Commission back to the term cycle that is specified by Cupertino Municipal Code, Chapter 2.95 Teen Commission; approve option(s) or provide direction to staff as to other measures to ensure compliance with Cupertino Municipal Code Chapter 2.95

Written communications for this item included staff presentation.

City Clerk Kirsten Squarcia reviewed the staff report.

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

Councilmembers asked questions and made comments.

Paul moved and Moore seconded to continue Items 13, 14, and 15 to the April 19 City Council meeting. The motion carried unanimously.

14. Subject: Consideration of Municipal Code amendments to the Cupertino Municipal Code related to regulation of single-use plastic foodware and single-use carryout bags  
Recommended Action: Conduct the first reading of Ordinance No. 22-2239: "An Ordinance of the City Council of the City of Cupertino amending City Code to change the name of section 9.15, adopt new sections 9.15.090 and 9.15.125, and amend sections 9.15.100, 9.15.110, 9.15.120, 9.15.130, 9.17.130 and 9.17.140 to regulate the use of single-use food service ware by food providers, regulate sale of single-use food service ware and expanded polystyrene foam coolers, and regulate single-use carryout bags" (Attachment A), which includes a finding that adoption of the Ordinance is exempt from the California Environmental Quality Act

As noted under Item 13, Council continued this item to April 19.

15. Subject: Consideration of Municipal Code amendments to the Cupertino Municipal Code, Title 2 to add Chapter 2.96 and codify the Economic Development Committee  
Recommended Action: 1. Conduct the first reading of Ordinance No. 22-2240; "An Ordinance of the City Council of the City of Cupertino Adding Chapter 2.96 of Title 2 (Administration and Personnel) to Codify the Economic Development Committee"  
2. Find that the proposed actions are exempt from CEQA



As noted under Item 13, Council continued this item to April 19.

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

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

Council did not hear this item.

**ADJOURNMENT**

At 12:05 a.m. on Wednesday, April 6, Mayor Paul adjourned the Regular City Council Meeting.



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Kirsten Squarcia City Clerk