



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, June 21, 2022**

SPECIAL MEETING

At 5:30 p.m., Vice Mayor Liang Chao called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Vice Mayor Liang Chao and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Absent: Mayor Darcy Paul. Vice Mayor Liang Chao. Councilmember Jon Robert Willey attended via teleconference.

1. Subject: Public Review Draft Climate Action Plan 2.0 Study Session
Recommended Action: Provide feedback to staff on the Public Review Draft Climate Action Plan 2.0
Presenter: Andre Duurvoort, Sustainability Division Manager

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

Climate and Utilities Analyst Gilee Corral gave a presentation.

Vice Mayor Chao opened the public comment period and the following people spoke.

Jennifer Griffin supported the Climate Action Plan (CAP) study and opposed citywide parking minimums and active transportation targets.

Dashiell Leeds, representing Sierra Club Loma Prieta Chapter, supported the CAP with amendments, as referenced in a letter submitted to Council.

Peggy Griffin was concerned about water conservation, preferred trees and tree removal, and supported corrections as addressed in a letter sent to Council.

Housing Commissioner Connie Cunningham (representing self) supported the CAP with modifications to housing definitions and goals.

Darren Chiu, representing Silicon Valley Youth Climate Action, supported the CAP and long term carbon neutrality and public and urban planting projects.

Vice Mayor Chao closed the public comment period.

Councilmembers asked questions and made comments.

Council conducted the Public Review Draft Climate Action Plan 2.0 Study Session and provided direction to staff to take Council's comments and bring the item back for another study session.

During the Study Session, individual Councilmembers gave the following feedback:

- More information was requested about the target to increase alternative forms of transportation
- Another study session was requested before the CAP 2.0 is brought for adoption
- More clarification was requested to educate the public about the connection between the CAP 2.0 and CEQA environmental review process
- Several councilmembers noted that electrification of existing buildings will be a big challenge for technical and financial reasons
- More information was requested about how the building decarbonization targets were derived, especially between the residential and commercial sectors.
- Support for the efforts of the Climate Action Plan update, acknowledged contribution from the Sustainability Commission
- Desire for the City to be a leader and implement the CAP policies in its own facilities
- Interest in working with Silicon Valley Clean Energy, Valley Water, and other partners through CAP implementation

At 6:44 p.m., Vice Mayor Chao adjourned the Special City Council Meeting.

ADJOURNMENT

REGULAR MEETING

At 6:45 p.m., Vice Mayor Liang Chao called the Regular City Council Meeting to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

Present: Vice Mayor Liang Chao and Councilmembers Kitty Moore, Hung Wei, and Jon Robert

Willey. Absent: Mayor Darcy Paul. Vice Mayor Liang Chao. Councilmember Jon Robert Willey attended via teleconference.

CEREMONIAL MATTERS AND PRESENTATIONS – None

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Jennifer Griffin was concerned about state density housing laws including SB 9 and 10 and coastal area zoning and loss of local control.

REPORTS BY COUNCIL AND STAFF

1. 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 (Paul absent).

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

Councilmembers highlighted the activities of their various committees (Paul absent).

3. Subject: Report on Subcommittee assignments
Recommended Action: Report on Subcommittee assignments

Councilmembers reported on Subcommittee assignments (Paul absent).

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

Council received the City Manager update on City business (Paul absent).

CONSENT CALENDAR (Items 5 - 17)

Wei moved and Willey seconded to approve the items on the Consent Calendar except for Items 10-15 and 17 which were pulled for discussion. Ayes: Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: Paul.

Moore moved and Chao seconded to continue items 10-14 on the Consent Calendar to the July 7, 2022 City Council meeting. Chao made a friendly amendment to continue items 10-14 on the Consent Calendar to the July 19, 2022 Regular City Council Meeting. (Moore accepted the friendly amendment).

Final motion:

Moore moved and Chao seconded to continue items 10-14 on the Consent Calendar to the July 19, 2022 Regular City Council Meeting. Ayes: Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: Paul.

5. Subject: Consider approval of the May 31 City Council minutes
Recommended Action: Approve the May 31 City Council minutes
6. Subject: Consider approval of the June 1 City Council minutes
Recommended Action: Approve the June 1 City Council minutes
7. Subject: Consider approval of the June 7 City Council minutes
Recommended Action: Approve the June 7 City Council minutes
8. Subject: Consider approval of the June 9 (Closed Session) City Council minutes
Recommended Action: Approve the June 9 (Closed Session) City Council minutes
9. Subject: Consider approval of the June 9 (Continued from June 7) City Council minutes
Recommended Action: Approve the June 9 (Continued from June 7) City Council minutes
10. Subject: Consider accepting Accounts Payable for the period ending May 2, 2022
Recommended Action: Adopt Resolution No. 22-071 accepting Accounts Payable for the period ending May 2, 2022

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

11. Subject: Consider accepting Accounts Payable for the period ending May 9, 2022
Recommended Action: Adopt Resolution No. 22-072 accepting Accounts Payable for the period ending May 9, 2022

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

12. Subject: Consider accepting Accounts Payable for the period ending May 16, 2022
Recommended Action: Adopt Resolution No. 22-073 accepting Accounts Payable for the period ending May 16, 2022

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

13. Subject: Consider accepting Accounts Payable for the period ending May 23, 2022
Recommended Action: Adopt Resolution No. 22-074 accepting Accounts Payable for the period ending May 23, 2022

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

14. Subject: Consider accepting Accounts Payable for the period ending May 31, 2022
Recommended Action: Adopt Resolution No. 22-075 accepting Accounts Payable for the period ending May 31, 2022

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

15. Subject: Consider authorizing the City Manager to execute a services agreement with Carahsoft to renew Accela Permitting, Licensing and Land-use Management System subscription service for the total cost of \$1,261,851.26 over five years
Recommended Action: Authorize the City Manager to execute a services agreement with Carahsoft to renew Accela Permitting, Licensing and Land-use Management System subscription service for the total cost of \$1,261,851.26 over five years

Chief Technology Officer Bill Mitchell gave a presentation.

Councilmembers asked questions and made comments.

Vice Mayor Chao opened the public comment period and the following people spoke.

Peggy Griffin asked about incorporating development agreements and verification of zoning overlays.

Vice Mayor Chao closed the public comment period.

Wei moved and Moore seconded to authorize the City Manager to execute a services agreement with Carahsoft to renew Accela Permitting, Licensing and Land-use Management System subscription service for the total cost of \$1,261,851.26 over five years. The motion carried unanimously (Paul absent).

16. Subject: Maintenance agreements for the Blackberry Farm Golf Course (Continued from June 7, 2022)

Recommended Action: Receive report on the maintenance agreements for the Blackberry Farm Golf Course.

Written communications for this item included an Updated Attachment H – BBF Golf Maintenance 2010 Project Manual and Bid Documents and an Updated Attachment K – 15-206 Professional Turf Management, Blackberry Farm Golf Course Maintenance (Original Contract and Amendments 1-5).

17. Subject: Consider authorizing the City Manager to execute a Funding Agreement between the City of Cupertino and the City of San Jose for a budget allocation of \$154,079 to participate in the Stevens Creek Boulevard Vision Study, which includes a 10% contingency

Recommended Action: 1. Authorize the City Manager to execute a Funding Agreement between the City of Cupertino and City of San Jose for the Stevens Creek Corridor Vision Study; and

2. Adopt Resolution No. 22-076 approving Budget Modification #2122-191 in the amount of \$154,079 for the City of Cupertino's contribution toward the Stevens Creek Corridor Vision Study, an amount that includes a 10% contingency (Attachment A)

Senior Transit & Transportation Planner Chris Corrao reviewed the staff report.

Vice Mayor Chao opened the public comment period and the following people spoke.

Jennifer Griffin opposed the contribution of the funds to the City of San Jose and supported alternative uses for the funds.

Vice Mayor Chao closed the public comment period.

Moore moved and Wei seconded to:

1. Authorize the City Manager to execute a Funding Agreement between the City of Cupertino and City of San Jose for the Stevens Creek Corridor Vision Study; and
2. Adopt Resolution No. 22-076 approving Budget Modification #2122-191 in the amount of \$154,079 for the City of Cupertino's contribution toward the Stevens Creek Corridor Vision Study, an amount that includes a 10% contingency

The motion carried unanimously (Paul absent).

Council recessed from 8:05 p.m. to 8:08 p.m.

SECOND READING OF ORDINANCES - None

PUBLIC HEARINGS

18. Subject: Brush Abatement Program hearing to consider objections to proposed removal of brush and order abatement of the public nuisance; and consideration of a resolution ordering abatement of potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding Defensible Space (brush) and Resolution No. 22-055
Recommended Action: 1.) Conduct Brush Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing brush; and
2.) Adopt Resolution 22-077 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding Defensible Space (brush) and Resolution No. 22-055 (Attachment A)
Presenter: Kirsten Squarcia, City Clerk

Written Communications for this item included a staff presentation.

City Clerk Kirsten Squarcia gave a presentation.

Vice Mayor Chao opened the public hearing and the following people spoke.

Deb and Jem Taysi, representing 21952 Lindy Lane, said that they were working with County Fire to complete the work on the property.

Vice Mayor Chao closed the public hearing.

Councilmembers asked questions and made comments.

Deputy Fire Chief Hector Estrada answered questions.

Moore moved and Wei seconded to adopt Resolution 22-077 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding Defensible Space (brush) and Resolution No. 22-055. The motion carried unanimously (Paul absent).

ORDINANCES AND ACTION ITEMS

19. Subject: Consider accepting Accounts Payable for the period ending December 20, 2021
(Continued from June 7, 2022)

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

Presenter: Tina Kapoor, Economic Development Manager

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

Economic Development Manager Tina Kapoor gave a presentation.

Vice Mayor Chao opened the public comment period and the following people spoke.

Peggy Griffin opposed payments for "I Love Cupertino" website maintenance and subscription and supported City reimbursement and discontinuing Chamber work.

Rhoda Fry opposed approving payments for Chamber of Commerce meeting space and "I Love Cupertino" website and supported the City being reimbursed.

City Clerk Kirsten Squarcia read a letter on behalf of Rick Kitson, representing the Chamber of Commerce, regarding a correction to comments at the June 6, 2022 Council meeting.

Vice Mayor Chao closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Willey seconded to ratify the Accounts Payable for period ending December 20, 2021 except for the installment payment for the Chamber of Commerce. The motion carried with Wei voting no (Paul absent).

20. Subject: Update on the Status of the Research from the City Council Subcommittee Meetings for the Cupertino Historical Society

Recommended Action: Receive an update on the status of the research from the City Council subcommittee meetings for the Cupertino Historical Society and provide direction on next steps

Presenter: Rachelle Sander, Assistant Director of Parks and Recreation

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

Assistant Parks and Recreation Director Rachelle Sander gave a presentation.

Vice Mayor Chao opened the public comment period and the following people spoke.

Bruce Parsons supported City assistance for the Historical Society in any way possible.

Gilbert Wong supported Council assistance and funding for the Historical Society.

Neeraj Mathur supported the Council helping the Historical Society.

Jennifer Griffin supported a plan for the Snyder Hammond House and Stocklmeir House.

Jean Bedord supported a \$50,000 annual line item in the City budget for the Historical Society. (Submitted written comments).

Sharon Blaine supported adding a line in the City budget for the Historical Society.

Vice Mayor Chao closed the public comment period.

Jennifer Furlong, Darryl Stowe, and Bill Kerr, representing the Cupertino Historical Society, gave a presentation.

Councilmembers asked questions and made comments.

Chao moved and Moore seconded to provide the following direction to staff.

- Bring back an agreement for facility use of the Quinlan museum space and meeting spaces in Quinlan.
- Bring back an agreement or Memorandum of Understanding (MOU) between the City and Cupertino Historical Society (CHS) to clarify what services CHS will provide and what processes will be used to ensure transparency and accountability for taxpayer dollars?
 - Potential budget amount: \$20,000 - \$40,000
 - Potential methods to consider:
 - Semi-annual update and an annual report with a list of events demonstrating the number of Cupertino residents served
 - Annual work plan presented to Council and/or Parks and Rec Commission to provide feedback and allow public to provide input
 - City Council representatives on the Cupertino Historical Society Board or liaisons as committee assignments
 - Partial funding for staffing, provided that there is strong oversight by the city on the staff work.
 - Commitment for fundraising goals so the funding from the city maintains at 20% of the budget, for example
 - Hybrid method with both grant funding and agreement with some funding
 - 3-5 year agreement

Wei made a friendly amendment that staff does not need to consider every item and can also come up with additional items. (Chao and Moore accepted the friendly amendment).

Final motion:

Chao moved and Moore seconded to provide the following direction to staff.

- Bring back an agreement for facility use of the Quinlan museum space and meeting spaces in Quinlan.
- Bring back an agreement or Memorandum of Understanding (MOU) between the City and Cupertino Historical Society (CHS) to clarify what services CHS will provide and what processes will be used to ensure transparency and accountability for taxpayer dollars?
 - Potential budget amount: \$20,000 - \$40,000
 - Potential methods to consider (not limited to the items below):
 - Semi-annual update and an annual report with a list of events demonstrating the number of Cupertino residents served
 - Annual work plan presented to Council and/or Parks and Recreation Commission to provide feedback and allow public to provide input
 - City Council representatives on Cupertino Historical Society (CHS) Board or liaisons as committee assignments
 - Partial funding for staffing, provided that there is strong oversight by the city on the staff work.
 - Commitment for fundraising goals so the funding from the city maintains at 20% of the budget, for example
 - Hybrid method with both grant funding and agreement with some funding
 - 3-5 year agreement

The amended motion carried unanimously (Paul absent).

Council recessed from 11:18 p.m. to 11:23 p.m.

- 21.** Subject: Consider conducting a first reading of an ordinance for amendments to Cupertino Municipal Code Chapter 2.80 and Sections 19.102.040, 19.148.030, 19.148.050, 19.148.060, and 19.148.090 to Adopt a Name Change for the Fine Arts Commission to the Arts and Culture Commission

Recommended Action: Conduct the first reading of Ordinance No. 22-2241: "An Ordinance of the City Council of the City of Cupertino Amending Cupertino Municipal Code Chapter 2.80 and Sections 19.102.040, 19.148.030, 19.148.050, 19.148.060, and 19.148.090 to adopt a name change for the Fine Arts Commission to the Arts and Culture Commission"

Presenter: Rachelle Sander, Assistant Director of Parks and Recreation

Assistant Parks and Recreation Director Rachelle Sander gave a presentation.

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

Councilmembers asked questions and made comments.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2241: "An Ordinance of the City Council of the City of Cupertino Amending Cupertino Municipal Code Chapter 2.80 and Sections 19.102.040, 19.148.030, 19.148.050, 19.148.060, and 19.148.090 to adopt a name change for the Fine Arts Commission to the Arts and Culture Commission"

Moore moved and Wei seconded to read Ordinance No. 22-2241 by title only, and that the City Clerk's reading constitutes the first reading thereof. Ayes: Moore, Wei, Willey, and Chao. Noes: None. Abstain: None. Absent: Paul.

22. Subject: Consider conducting a first reading of an ordinance amending Municipal Code Chapter 2.84: Environmental Review Committee
Recommended Action: Conduct the first reading and approve the introduction of Ordinance No. 22-2242: "An Ordinance of the City Council of the City of Cupertino amending Municipal Code Chapter 2.84: Environmental Review Committee"
Presenter: Chris Jensen, City Attorney

Moore moved and Chao seconded to continue this item until the July 7, 2022 Special City Council Meeting. The motion carried unanimous (Paul absent).

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Chao and Moore add the following direction for future agenda items:

1. Bring back a future agenda item for a study session to review past partnership and support for Cupertino Chamber of Commerce and discuss options of future partnership with the Chamber.
- Including information:
 - Information on other cities and their relationship with Chamber
 - What other payments are made to contracts which do not have any written agreements?
 - What other payments are made for evergreen contracts, which will continue without any Council approval?
 - What process is there to confirm an invoice contains enough information to justify the amount of the invoice?
 - Whether Chamber qualifies for nonprofit fees for facility rental,

- What communication methods do we have with all businesses who have Cupertino business licenses?
 - How do we support ALL Cupertino businesses?
 - Liability insurance certificate from Chamber or waiver signed by staff?
 - I Love Cupertino contract and subscription and itemized expenses
 - Why IT Department did not help build the website
2. Amend Muni code so the "2.80.080 Powers and Functions" to reflect the role of Arts and Cultural Commission on Public Art recommendation
 3. Public Art Guidelines for larger projects
 - \$100,000 cap right now
 - For larger projects with a higher amount, perhaps the Fine Art Commission makes a recommendation and the final approval by the Council
 - Consider Public Art Master Plans as other cities have, such as Palo Alto, Sunnyvale, and San Jose

ADJOURNMENT

At 12:01 a.m. on Wednesday, June 22, Vice Mayor Chao adjourned the Regular City Council Meeting.



Kirsten Squarcia City Clerk