APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, September 6, 2022

REGULAR MEETING

At 6:45 p.m., Mayor Paul 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: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Councilmembers Jon Robert Willey and Hung Wei attended the meeting via teleconference.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Consider proclamation recognizing September as National Preparedness Month
Recommended Action: Present proclamation recognizing September as National Preparedness Month

Emergency Manager Tom Chin received the proclamation.

Mayor Paul presented the proclamation recognizing September as National Preparedness Month.

2. Subject: Consider proclamation recognizing September as National Suicide Prevention Month
Recommended Action: Present proclamation recognizing September as National Suicide Prevention Month

Acting Director of Parks and Recreation Rachelle Sander received the proclamation.

Mayor Paul presented the proclamation recognizing September as National Suicide

Prevention Month.

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Planning Commissioner Muni Madhdhipatla (representing self) supported City issuance of a proclamation recognizing October as Hindu Heritage Month.

Jennifer Griffin opposed proposed bills AB 2011 to allow housing in commercial areas and AB 2097 to regulate parking minimums and supported local control of construction and housing.

Peggy Griffin supported starting from the west side of town and moving to the east side of town at the next Housing Element meeting regarding site selection.

Lauren Kim, Niranjana Sankar, and Madeleine Ischo representing WAI, Wildfire Awareness Initiative, advocated for informing the community on how to prepare for and prevent wildfires and noted upcoming events. (Submitted written comments).

Lisa Warren supported Council's overall action at the August 30 Special Meeting regarding the Housing Element.

Rhoda Fry provided the history on the establishment of Blackberry Farm and Blackberry Farm Golf Course and supported tracking City expenses through an enterprise fund.

Don Halsey, representing Friends of Blackberry Golf, supported keeping Blackberry Farm Golf Course open verses converting to a natural habitat, and ways to increase course revenues. (Submitted written comments).

Judy Lomas ceded their time to Don Halsey.

Mehul Dholakia ceded their time to Don Halsey.

Brook Ezzat ceded their time to Don Halsey.

Thomas Hsu was concerned about a City notice that he received reporting an obstruction violation due to a tree blocking a street pole on his property.

REPORTS BY COUNCIL AND STAFF

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: Report on Subcommittee assignments
Recommended Action: Report on Subcommittee assignments

Councilmembers reported on Subcommittee assignments.

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

Council received the City Manager update on City business.

7. Subject: Department Update - Parks and Recreation
Recommended Action: Receive update regarding the Parks and Recreation Department

Acting Parks and Recreation Director Rachelle Sander gave a presentation.

Council received the update regarding the Parks and Recreation Department.

CONSENT CALENDAR (Items 8-15)

Moore moved and Willey seconded to approve the items on the Consent Calendar except for Items 11, 14, and 15 which were pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

8. Subject: Consider approval of the August 16 City Council minutes
Recommended Action: Approve the August 16 City Council minutes

9. Subject: Consider approval of the August 25 City Council minutes
Recommended Action: Approve the August 25 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 September 6, 2022 through October 6, 2022 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 22-109 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period September 6, 2022 through October 6, 2022 pursuant to the Brown Act, as amended by AB 361

11. Subject: Consider accepting Accounts Payable for the periods ending July 11, 2022; July 18, 2022; July 25, 2022; and August 1, 2022
Recommended Action: A. Adopt Resolution No. 22-110 accepting Accounts Payable for the period ending July 11, 2022;
B. Adopt Resolution No. 22-111 accepting Accounts Payable for the period ending July 18, 2022;
C. Adopt Resolution No. 22-112 accepting Accounts Payable for the period ending July 25, 2022;
D. Adopt Resolution No. 22-113 accepting Accounts Payable for the period ending August 1, 2022; and
E. Adopt Resolution No. 22-114 accepting Accounts Payable for the period ending August 1, 2022 PERS

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

Peggy Griffin supported the new process for presenting Accounts Payable items for approval.

Mayor Paul closed the public comment period.

Moore moved and Wei seconded to:
A. Adopt Resolution No. 22-110 accepting Accounts Payable for the period ending July 11, 2022;
B. Adopt Resolution No. 22-111 accepting Accounts Payable for the period ending July 18, 2022;
C. Adopt Resolution No. 22-112 accepting Accounts Payable for the period ending July 25, 2022;
D. Adopt Resolution No. 22-113 accepting Accounts Payable for the period ending August 1, 2022; and
E. Adopt Resolution No. 22-114 accepting Accounts Payable for the period ending August 1, 2022 PERS
The motion carried unanimously.

12. Subject: Consider the Monthly Treasurer's Report for July 2022

Recommended Action: Accept the Monthly Treasurer's Report for July 2022

13. Subject: Consider the Monthly Treasurer's Investment Report for July 2022
Recommended Action: Accept the Monthly Treasurer's Investment Report for July 2022

14. Subject: Consider accepting $1,000,000 in grant funding from the State of California for construction of the Jollyman All-Inclusive Playground project
Recommended Action: Adopt Resolution No. 22-115 accepting $1,000,000 in grant funding from the State of California for construction of the Jollyman All-Inclusive Playground project and authorize the City Manager to execute all documentation necessary to accept the grant funding

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

Peggy Griffin asked about the project timeline and grant time constraints and impacts to the City Work Program.

Mayor Paul closed the public comment period.

Public Works Director Matt Morley answered questions.

Councilmembers asked questions and made comments.

Willey moved and Chao seconded to adopt Resolution No. 22-115 accepting $1,000,000 in grant funding from the State of California for construction of the Jollyman All-Inclusive Playground project and authorize the City Manager to execute all documentation necessary to accept the grant funding. The motion carried unanimously.

15. Subject: Consider accepting $5,000,000 in grant funding from the State of California for renovation of the McClellan Road Bridge over Stevens Creek
Recommended Action: Adopt Resolution No. 22-116 accepting $5,000,000 in grant funding from the State of California for renovation of the McClellan Road Bridge over Stevens Creek and authorize the City Manager to execute all documentation necessary to accept the grant funding

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

Peggy Griffin asked about time constraints on the grant.

Mayor Paul closed the public comment period.

Public Works Director Matt Morley answered questions.

Councilmembers asked questions and made comments.

Moore moved and Willey seconded to adopt Resolution No. 22-116 accepting $5,000,000 in grant funding from the State of California for renovation of the McClellan Road Bridge over Stevens Creek and authorize the City Manager to execute all documentation necessary to accept the grant funding. The motion carried unanimously.

SECOND READING OF ORDINANCES

16. Subject: Consider conducting the second reading of an Ordinance related to regulation of single-use plastic foodware and single-use carryout bags
Recommended Action: Conduct the second reading and enact Ordinance No. 22-2239: "An Ordinance of the City Council of the City of Cupertino amending City Code to change the name of Chapter 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 and regulate the 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
Presenter: Ursula Syrova, Environmental Programs Manager

Written Communications for this item included an email to Council.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2239: "An Ordinance of the City Council of the City of Cupertino amending City Code to change the name of Chapter 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 and regulate the 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

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

Councilmembers asked questions and made comments.

Chao moved and Willey seconded to:
1. Read Ordinance No. 22-2239 by title only, and that the City Clerk's reading

constitutes the second reading thereof; and

2. Enact Ordinance No. 22-2239.

Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

Council recessed from 8:59 p.m. - 9:05 p.m.

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

17. Subject: Appointment of Council subcommittee to identify opportunities for housing development in the Bubb Road Special Area
Recommended Action: Consider the appointment of two Councilmembers to serve on an ad hoc subcommittee to identify opportunities for housing development in the Bubb Road Special Area

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

Peggy Griffin supported including Planning and Housing Commissioners on the subcommittee.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Moore seconded to appoint Mayor Paul and Councilmember Willey to serve on an ad hoc subcommittee to identify opportunities for housing development in the Bubb Road Special Area. The motion carried unanimously.

18. Subject: Consider approving the FY 2022-23 Internal Audit Program (Continued on July 19, 2022)
Recommended Action: Approve the FY 2022-23 Internal Audit Program
Presenter: Thomas Leung, Senior Management Analyst

Written Communications for this item included a consultant presentation.

Director of Administrative Services Kristina Alfaro provided an overview of the program.

Moss Adams Consultant Colleen Rozillis gave a presentation.

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

Peggy Griffin supported establishing an anonymous hotline and separate enterprise fund accounting for the Blackberry Farm and Rancho Rinconada pools.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved to call the question. The motion carried unanimously.

Willey moved and Chao seconded to approve the FY 2022-23 Internal Audit Program. The motion carried unanimously.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

In open session, Mayor Paul reported out from the Special Closed Session Meeting held at 5:30 p.m.

Written Communications for this item included emails to Council.

1. Subject: Conference with real property negotiators pursuant to Government Code section 54956.8
   Property: 21801 Stevens Creek Boulevard, Cupertino
   Agency Negotiators: Matt Morley and Christopher D. Jensen Negotiating Parties: ETNB Holding Co. LLC
   Under Negotiation: Price and terms of payment

   Council conducted the conference with real property negotiators pursuant to Government Code section 54956.8. There was no reportable action.

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers made comments and discussed future agenda items.

ADJOURNMENT

At 11:03 p.m., Mayor Paul adjourned the Regular City Council Meeting.

Kirsten Squarcia

Kirsten Squarcia City Clerk