



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 8, 2022**

SPECIAL MEETING - CONTINUED FROM MARCH 1, 2022

At 6:00 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.

ORDINANCES AND ACTION ITEMS - CONTINUED

Council continued the hearing, consideration, deliberation, and decisions for Items 11 and 12 on the Tuesday, March 1, 2022 City Council Regular Meeting agenda.

1. Subject: (Item 11 on March 1, 2022 Agenda) 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

Written Communications for this item included a staff presentation.

Administrative Services Director Kristina Alfaro and Senior Management Analyst Thomas Leung gave a presentation.

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

Jean Bedord was concerned about an expenditure under the City Manager discretionary fund for a \$2,400 Housing op-ed piece.

Jennifer Griffin supported engagement with local newspapers to discuss issues and provide information about City business.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Willey seconded to:

1. Accept the City Manager's Mid-Year Financial Report for FY 2021-22;
2. Adopt Resolution No. 22-032 approving Budget Modification #2122- 189 increasing appropriations by \$9,457,951 and revenues by \$10,220,000;
3. Approve the Conversion of (One) Limited-Term Project Manager Position to Full-Term Position; and
4. Approve Amendments to City's Committed, Unassigned Fund Balance, and Use of One Time Funds Policy which includes the following changes:
 - a. Approve \$2,000,000 contribution from the General Fund to the City's Section 115 Pension Trust;
 - b. Increase the City's General Fund Economic Uncertainty Committed Reserve by \$5,000,000; and
 - c. Establish a General Fund Capital Project Committed Reserve in the amount of \$10,000,000.

The motion carried with Moore voting no.

2. Subject: (Item 12 on March 1, 2022 Agenda) 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 staff presentation, Updated Staff Report, Updated Supplemental Staff Report Memo by EMC, EMC Attachment A- Stakeholder Application Responses, EMC Attachment B- Stakeholder's Group Scoring Sheets, and emails to Council.

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

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

Sujatha Venkatraman, on behalf of West Valley Community Services, supported moving forward with the staff recommendation and Option A or B for the stakeholder group.

Jennifer Griffin opposed having a stakeholder group and supported public input for reviewing every site.

Lisa Warren supported Council comments from the March 1 meeting, appointing an advisory committee, and in-person stakeholder group meetings.

Housing Commissioner Tessa Parish (representing self) supported in-person meeting, was undecided on the stakeholders, and was concerned about diverse representation.

Housing Commissioner Govind Tatachari (representing self) supported in-person meetings and public engagement instead of a stakeholders group.

Planning Commissioner Muni Madhhipatla (representing self) supported improving the public engagement process.

Peggy Griffin supported in-person meetings, appointing an advisory committee to guide the consultant, and improving on the outreach process.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Willey seconded to:

1. Form the Strategic Advisory Committee - consisting of two Councilmembers and the Planning Commission Chair and Housing Commission Chair
2. Create the Community Engagement Plan - Strategic Advisory Committee
3. Create the Affirmatively Furthering Fair Housing (AFFH) Engagement Plan – including West Valley Community Services (WVCS) biweekly meetings and focus group meetings to include the protected groups in the Department of Housing and

Community Development (HCD) Guidance – consider geographical diversity, ethnic diversity, faith group diversity, age diversity, work experience diversity, housing experience diversity, income diversity, etc.

- All applicants of the proposed stakeholder group will provide input to help come up with the AFFH Engagement Plan; and
- Without prejudice to selected stakeholder group members

Table 1: Classes/Characteristics Protected under Federal and California Law

Federal Protected Classes/Characteristics	California Protected Classes/Characteristics
Race, ethnicity, color, national origin	All federally protected classes
Religion	Gender, gender identity and gender expression
Sex	Sexual orientation
Familial status	Marital status
Disability	Medical conditions
	Military and veteran status
	Age (for people over 40)*
	Genetic information
	Ancestry
	Source of income

*Note: Age is protected against housing discrimination through the Unruh Civil Rights Act (California Civil Code 51 et seq.).

The motion carried unanimously.

Wei made a substitute motion to accept the proposed stakeholder group but to add 10 more people. There was no second to the substitute motion and it was not considered.

Paul moved and Wei seconded to appoint Vice Mayor Chao and Councilmember Moore to serve on the Strategic Advisory Committee. Paul made a friendly amendment that participation of those candidates who were listed and discussed and considered in the evaluative process would be without prejudice going forward. (Wei accepted the friendly amendment). The motion as amended carried unanimously.

ADJOURNMENT

At 8:00 p.m., Mayor Paul adjourned the Special City Council Meeting.



Kirsten Squarcia City Clerk