



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Wednesday, January 17, 2024**

SPECIAL MEETING

At 5:00 p.m., Mayor Sheila Mohan called the Special 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 Sheila Mohan, Vice Mayor J.R. Fruen, and Councilmembers Liang Chao, Kitty Moore, and Hung Wei. Absent: none.

STUDY SESSION

1. **Subject:** Provide input to staff on potential service-level reductions for the FY 2024-25 Proposed and Final Budgets
Recommended Action: Provide input to staff on potential service-level reductions for the FY 2024-25 Proposed and Final Budgets
Presenter: Thomas Leung, Budget Manager

Written communications for this item included a staff presentation, a supplemental report with staff responses to councilmember question, an amended Attachment A - Potential Service-Level Reductions Summary, and emails to Council.

City Manager Pamela Wu and Administrative Services Director Kristina Alfaro gave a presentation.

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

Jennifer Griffin
Alyssa Sakkas (representing Rotary Club of Cupertino)
Jeff Moe (representing Rotary Club of Cupertino)
Louise Saadati

Peggy Griffin
Jean Bedord
Rhoda Fry
Planning Commissioner Steven Scharf (representing self)
Lisa Warren
Parks and Recreation Commissioner Jennifer Shearin (representing self)

Mayor Mohan closed the public comment period.

Councilmembers asked questions and made comments.

Councilmembers provided the following input to staff on potential service-level reductions for the FY 2024-25 Proposed and Final Budgets:

- Operations and Maintenance:
 - Confirm the City provides an ACH option so that customers are not forced to pay on credit cards only
 - Provide information on costs to further reduce the Scene printed copy
 - Keep crossing guard services funding
 - Keep staff conferences and training, as necessary
 - Discuss enterprise funds for Blackberry Farm and Sports Center, in addition to Senior Center expenses
- Infrastructure:
 - Provide more information on sidewalk maintenance and street tree maintenance and how programs would work
 - Provide more information on school district ground maintenance
 - Research a potential fee or tax specific to the sidewalk and street tree programs
 - Check-in with Cupertino Union School District to understand their budget impacts
- Fiscal Accountability: There was no Council follow-up for this item.
- Community Benefit:
 - Keep all programs but to look for potential sponsorships (excluding any previously defunded Fourth of July events)

At 6:35 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 6:45 p.m. with all Councilmembers present.

CLOSED SESSION REPORT

City Attorney Chris Jensen reported that the City entered into a settlement agreement which resulted in a stipulated judgement in the action of California Housing Defense Fund v. City of Cupertino. The judgment was entered on January 8, 2024 and has resolved the matter.

CEREMONIAL ITEMS – None

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Written communications for this item included emails to Council.

Mayor Mohan recognized the passing of former Cupertino Mayor William Reed Sparks.

The following people spoke:

Jennifer Griffin discussed Senate Bill 423.

Peggy Griffin discussed Housing Element strategies.

Angela discussed Cupertino Dog Off-Leash Areas (DOLAs) and a recent incident.

Rhoda Fry discussed the Housing Element, CDTFA sales tax audit, budget, potential revenue tax measures, and treasurer's reports.

J Huang discussed a Code Enforcement matter.

Louise Saadati discussed Cupertino DOLAs and a recent incident.

Lisa Warren discussed a DOLA incident, Council governance workshop, and Councilmember committee assignments.

San R discussed Cupertino DOLAs and an unhoused person by Target.

CONSENT CALENDAR (Items 2-9)

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

Jennifer Griffin provided comments on Item 5.

Peggy Griffin provided comments on Items 7 and 8.

Mayor Mohan closed the public comment period.

MOTION: Fruen moved and Wei seconded to approve the items on the Consent Calendar as presented. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

2. Subject: Approval of the December 5, 2023 City Council minutes
Recommended Action: Approve the December 5, 2023 City Council minutes
3. Subject: Approval of the December 14, 2023 City Council minutes
Recommended Action: Approve the December 14, 2023 City Council minutes
4. Subject: A resolution establishing the City Council meeting schedule through January 22, 2025
Recommended Action: Adopt Resolution 24-001 establishing the City Council meeting schedule through January 22, 2025
5. Subject: Appointment of 2024 Council Committee Assignments
Recommended Action: Approve the draft 2024 Council Committee Assignments

Written communications for this item included a supplemental report Attachment A - Draft 2024 Council Committee Assignments.

6. Subject: Ratifying Accounts Payable for the periods ending November 3, 2023; November 10, 2023; November 17, 2023; and November 24, 2023
Recommended Action: A. Adopt Resolution No. 24-002 ratifying Accounts Payable for the Period ending November 3, 2023;
B. Adopt Resolution No. 24-003 ratifying Accounts Payable for the Period ending November 10, 2023;
C. Adopt Resolution No. 24-004 ratifying Accounts Payable for the Period ending November 17, 2023; and
D. Adopt Resolution No. 24-005 ratifying Accounts Payable for the Period ending November 24, 2023
7. Subject: Ratifying Accounts Payable for the periods ending December 1, 2023; December 8, 2023; December 15, 2023; and December 22, 2023
Recommended Action: A. Adopt Resolution No. 24-006 ratifying Accounts Payable for the Period ending December 1, 2023;
B. Adopt Resolution No. 24-007 ratifying Accounts Payable for the Period ending

December 8, 2023;

C. Adopt Resolution No. 24-008 ratifying Accounts Payable for the Period ending December 15, 2023; and

D. Adopt Resolution No. 24-009 ratifying Accounts Payable for the Period ending December 22, 2023

8. Subject: Award of a construction contract for the Blackberry Farms Accessibility Improvements Project to Selway Construction, Inc. in the amount of \$289,601 for ADA and drainage improvements and approve an increase in the amount of \$85,209 in the contract for the Blackberry Farm Pool Improvements Project with Adams Pool Solutions for required equipment replacement.

Recommended Action: 1. Award a construction contract for the Blackberry Farm Accessibility Improvements Project (budget unit 420-99-073) in the amount of \$289,601 to Selway Construction, Inc.;

2. Authorize the City Manager to execute the contract with Selway Construction, Inc. when all conditions have been met;

3. Authorize the Director of Public Works to execute any necessary construction change orders with Selway Construction, Inc., up to a contingency amount of \$28,960 (10%), for a total contract amount of \$318,561; and

4. Authorize the City Manager to amend the contract amount with Adams Pool Solutions for the Blackberry Farm Pool Improvement Project (420-99-073, PO#2024-242) in the amount of \$85,209, for a total contract amount of \$437,880.

Written communications for this item included an email to Council.

9. Subject: Approve a First Amendment with ReDesign Group, for additional funds for City's server and storage infrastructure project, for a new total not-to-exceed amount of \$447,867.70.

Recommended Action: Authorize the City Manager to execute a First Amendment with ReDesign Group for additional server and storage infrastructure funds, increasing the Contract amount by \$58,175.10 for a new total not-to-exceed contract amount of \$447,867.70.

PUBLIC HEARINGS

10. Subject: Public hearing on the abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 23-117

Recommended Action: Conduct hearing for impacted property owners to contest the matter of proposed abatement and adopt Resolution No. 24-010 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 23-117

Presenter: Kirsten Squarcia, City Clerk

Written communications for this item included a staff presentation.

City Clerk Kirsten Squarcia gave a presentation.

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

Jennifer Menq, 20950 Stevens Creek Boulevard

Zerry-Kuen Huang, 891 S. Tantau Avenue

Ramya Krishan, 10365 Sterling Boulevard

Mayor Mohan closed the public hearing.

Councilmembers asked questions and made comments.

Moe Kumre, Santa Clara County Weed Abatement Manager, answered questions.

SUBSTITUTE MOTION: Chao moved and Moore seconded the staff recommendation to adopt Resolution No. 24-010 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 23-117, with an amendment to remove the two properties at 891 S. Tantau Avenue and 10365 Sterling Boulevard. The substitute motion failed with the following vote: Ayes: Chao. Noes: Mohan, Fruen, Moore, and Wei. Abstain: None. Absent: None.

MOTION: Fruen moved and Wei seconded to adopt Resolution No. 24-010 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 23-117.

FRIENDLY AMENDMENT: Chao made a friendly amendment to remove the two properties at 891 S. Tantau Avenue and 10365 Sterling Boulevard. (Fruen declined the friendly amendment and it was not included in the motion).

The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

11. Subject: Application for a seven-unit townhome development and associated environmental review under the California Environmental Quality Act. (Application No(s): DP-2023-001, ASA-2023-002, TM-2023-001 & TR-2023-008; Applicant(s): Leon Hu of Top Mission Realty & Investment, Inc.; Location: 10046 Bianchi Way, APN: 359-07-021.)

Recommended Action: 1. Find the project exempt from the California Environmental

Quality Act (CEQA) Guideline Sections 15332 (Infill Development Projects) and

2. Approve the following permits:

- a. Adopt Resolution No. 24-011 approving the Development Permit (DP-2023-001) (Attachment A);
- b. Adopt Resolution No. 24-012 approving the Architectural & Site Approval Permit (ASA-2023-002) (Attachment B);
- c. Adopt Resolution No. 24-013 approving the Tentative Final Map (TM-2023-001) (Attachment C); and
- d. Adopt Resolution No. 24-014 approving the Tree Removal Permit (TR-2023-008) (Attachment D).

Presenter: Danielle Condit, Associate Planner

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

Councilmembers disclosed any ex parte communications prior to deliberation in this matter.

Community Development Director Ben Fu gave a presentation.

Councilmembers asked questions and made comments.

Project Manager Mike Wilson, on behalf of applicant Leon Hu, provided a project update and answered questions.

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

Jennifer Griffin

Des Metcalf

Lynne Carlton

Sandhana Siva (representing Cupertino for All)

Peggy Griffin

Jean Bedord

Louis Saadati

Kamyab Mashian

Ava Chiao

Parks and Recreation Commissioner Jennifer Shearin (representing self)

Shivani K

Harry Neil

Glenn Fishler

Mayor Mohan closed the public hearing.

MOTION: Fruen moved and Moore seconded to:

1. Find the project exempt from the California Environmental Quality Act (CEQA) Guideline Sections 15332 (Infill Development Projects) and
2. Approve the following permits:
 - a. Adopt Resolution No. 24-011 approving the Development Permit (DP-2023-001);
 - b. Adopt Resolution No. 24-012 approving the Architectural & Site Approval Permit (ASA-2023-002);
 - c. Adopt Resolution No. 24-013 approving the Tentative Final Map (TM-2023-001); and
 - d. Adopt Resolution No. 24-014 approving the Tree Removal Permit (TR-2023-008).

The motion carried with the following vote: Ayes: Mohan, Fruen, Moore, and Wei. Noes: None. Abstain: Chao. Absent: None.

At 9:16 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 9:24 p.m. with all Councilmembers present.

12. Subject: Proposed amendments to Municipal Code Chapter 19.12, Chapter 19.28 and Chapter 19.112 regarding Two-Story Permit and Accessory Dwelling Unit (ADU) laws. (Application No. MCA-2023-002; Applicant: City of Cupertino; Location: City-wide)
Recommended Action: Conduct the first reading of Ordinance No. 23-2254: "An Ordinance of The City Council of the City of Cupertino to amend Municipal Code Chapter 19.12, Chapter 19.28 and Chapter 19.112 Regarding Two-Story Permit and Accessory Dwelling Unit (ADU) Laws" (Attachment A) to amend the following:
- a. Chapter 19.12, Administration, and
 - b. Chapter 19.28 Single-Family Residential (R-1) Zones.
 - c. Chapter 19.112, Accessory Dwelling Units (ADU)
- Presenter: Gian Martire, Senior Planner

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

Senior Planner Gian Martire gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin

Peggy Griffin

Long Jiao (representing Cupertino Voice)

Louise Saadati
Jean Bedord
Alison Cingolani
Ava Chiao
Kendra Rosenberg
Sandhana Siva (representing Cupertino for All)
Peggy Griffin
Kamyab Mashian
Glenn Fishler
Lisa Warren
Shivani K

Mayor Mohan closed the public hearing.

City Clerk Kirsten Squarcia read the title of Ordinance No. 23-2254: "An Ordinance of The City Council of the City of Cupertino to amend Municipal Code Chapter 19.12, Chapter 19.28 and Chapter 19.112 Regarding Two-Story Permit and Accessory Dwelling Unit (ADU) Laws."

MOTION: Moore moved and Wei seconded for the City Clerk to read the title of Ordinance No. 23-2254, that further reading of the Ordinance be waived, and that the City Council conduct the first reading of the Ordinance by title only.
Council did not vote on this motion.

SUBSTITUTE MOTION: Fruen moved and Wei seconded the approval of Ordinance No. 23-2254 as recommended by the Planning Commission with the following additional changes:

1. That Table 19.112.030(A)(2) be revised to allow any combination of ADUs by replacing the word "one" with the words "no more than three" on lots zoned for single-family use and with "no more than two" on lots zoned for duplexes; and that the title of Table 19.112.030 be revised to read "Site Development Regulations for Streamlined Accessory Dwelling Units and Junior Accessory Dwelling Units Associated with Single-Family Residential Uses and Duplexes"; and
2. That further reading of the Ordinance be waived, and that the City Council conduct the first reading of the Ordinance by title only.

FRIENDLY AMENDMENT: Chao made a friendly amendment to add the following distance-to-transit restrictions (from the staff recommendation to the Planning Commission), which apply only to non-streamlined ADUs:

- Allowance for heights of 18 feet for a detached ADU within a half mile walking distance of a major transit stop or corridor, and 25 feet if attached to a principal dwelling unit;

- Allowance for a second story on attached or detached ADUs if located within a half mile walking distance of a major transit stop of corridor.

(Fruen and Wei accepted the friendly amendment).

Fruen's substitute motion as amended carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

MOTION: Wei moved and Fruen seconded to extend the meeting to 11:15 p.m. to continue discussion on this item. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

ADJOURNMENT

13. Subject: Adjourn in memory of former Cupertino Mayor William Reed Sparks

Mayor Mohan adjourned the meeting in memory of former Cupertino Mayor William Reed Sparks.

At 11:05 p.m., Mayor Mohan adjourned the Special City Council Meeting per rule. There was no Council discussion on the remaining agenda items.

ACTION CALENDAR – None

COUNCIL REPORTS AND COMMENTS

14. Subject: Councilmember Reports

Written communications for this item included an updated Attachment C - Council Report for Councilmember Moore.

Councilmembers reported on their various committees and activities as provided in the published agenda.

CITY MANAGER REPORT

Council did not hear this item.

ORAL COMMUNICATIONS - CONTINUED – None

INFORMATIONAL ITEMS

15. Subject: 2023 Legislative Activity and Priorities update

Recommended Action: Receive update on 2023 Legislative Activity and Priorities

The information regarding the update on 2023 Legislative Activity and Priorities was provided as part of the published agenda.

16. Subject: Receive the Monthly Treasurer's Investment Report for November 2023
Recommended Action: Receive the Monthly Treasurer's Investment Report for November 2023

Written communications for this item included a supplemental report with staff responses to councilmember questions and emails to Council.

The information regarding the Monthly Treasurer's Investment Report for November 2023 was provided as part of the published agenda.

17. Subject: Receive the Monthly Treasurer's Report for November 2023
Recommended Action: Receive the Monthly Treasurer's Report for November 2023

Written communications for this item included a supplemental report with staff responses to councilmember questions and emails to Council.

The information regarding the Monthly Treasurer's Report for November 2023 was provided as part of the published agenda.

18. Subject: Receive the Monthly Treasurer's Investment Report for December 2023
Recommended Action: Receive the Monthly Treasurer's Investment Report for December 2023

Written communications for this item included a supplemental report with staff responses to councilmember questions.

The information regarding the Monthly Treasurer's Investment Report for December 2023 was provided as part of the published agenda.

19. Subject: Receive the Monthly Treasurer's Report for December 2023
Recommended Action: Receive the Monthly Treasurer's Report for December 2023

Written communications for this item included a supplemental report with staff responses to councilmember questions.

The information regarding the Monthly Treasurer's Report for December 2023 was provided as part of the published agenda.

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Council did not hear this item.

Minutes prepared by:



Kirsten Squarcia, City Clerk