



APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 7, 2021

SPECIAL MEETING

At 5:15 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.

STUDY SESSION

1. Subject: Discuss public engagement strategies
Recommended Action: Discuss public engagement strategies

Written communications for this item included a staff presentation.

Interim City Manager Greg Larson gave a presentation.

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

Jennifer Griffin supported outreach, mailers, and more news notifications.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Moore seconded to direct staff to:

- 1) Have a Press Plan.

When Cupertino makes policy-oriented decisions, the public needs to be notified. Council needs to be informed of how our internal approach to communicating with the outside world is organized. Create a press plan, and communicate this plan to Council

ADJOURNMENT

At 6:40 p.m., Mayor Paul adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:46 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: Recognition of Archana Panda for receiving the President's Lifetime Achievement Award from the AmeriCorps and the office of the President of the United States
Recommended Action: Recognize Archana Panda for receiving the President's Lifetime Achievement Award for her lifelong commitment to building a stronger nation through volunteer service

Mayor Paul recognized Archana Panda for receiving the President's Lifetime Achievement Award for her lifelong commitment to building a stronger nation through volunteer service.

2. Subject: Proclamation to Roger Lee upon his retirement and recognizing his dedicated service to the City of Cupertino
Recommended Action: Present proclamation to Roger Lee upon his retirement and recognizing his dedicated service to the City of Cupertino

Written communications for this item included an email to Council.

Mayor Paul opened the public comment period and the following people expressed congratulations to Roger Lee upon his retirement.

Peggy Griffin
Jennifer Griffin
Rhoda Fry

5. Subject: Oath of Office for Mayor
Recommended Action: Conduct Oath of Office for Mayor

City Clerk Kirsten Squarcia conducted the Oath of Office for newly elected Mayor Darcy Paul.

6. Subject: Oath of Office for Vice Mayor
Recommended Action: Conduct Oath of Office for Vice Mayor

City Clerk Kirsten Squarcia conducted the Oath of Office for newly elected Vice Mayor Liang Chao.

COMMENTS BY NEW MAYOR AND VICE MAYOR

7. Subject: Comments by Vice Mayor
Recommended Action: Receive Comments by Vice Mayor

Council received comments by new Vice Mayor Liang Chao.

8. Subject: Comments by Mayor
Recommended Action: Receive Comments by Mayor

Council received comments by new Mayor Darcy Paul.

COMMENTS BY COUNCILMEMBERS AND PUBLIC

9. Subject: Comments by Councilmembers
Recommended Action: Comments by Councilmembers

Councilmembers made comments.

10. Subject: Comments by the Public
Recommended Action: Receive Comments by the Public

Mayor Paul opened the public comment period and the following people offered congratulations for newly appointed Mayor Darcy Paul and Vice Mayor Liang Chao.

County Supervisor Joe Simitian
Victoria, on behalf of the Office of Assemblymember Evan Low
Jennifer Griffin

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

Councilmembers highlighted the activities of their various committees.

13. Subject: City Manager update
Recommended Action: Receive City Manager update on emergency response efforts and other City business

Interim City Manager Greg Larson reported on upcoming City events; COVID-19 case rates, testing, and Santa Clara County's Tier Risk Level status; and provided an update on the Vallco Town Center SB 35 Project.

Council received the City Manager updates on emergency response efforts and other City business.

CONSENT CALENDAR (Items 14-28)

Wei moved and Willey seconded to approve the items on the Consent Calendar except for Item Nos. 19 and 21 which were pulled for discussion. Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Abstain: None. Absent: None.

14. Subject: Approve the November 16 City Council minutes
Recommended Action: Approve the November 16 City Council minutes
15. Subject: Approve the November 18 City Council minutes
Recommended Action: Approve the November 18 City Council minutes
16. Subject: Set hearing date on January 18, 2022 to declare a public nuisance (from weeds) and to consider objections for proposed removal; declare properties as having potential fire hazards from weeds or other potential nuisances for the Cupertino Weed Abatement Program
Recommended Action: Adopt Resolution No. 21-112 declaring properties as having potential fire hazards from weeds or other potential nuisances; and set hearing on January 18, 2022 to declare a public nuisance and to consider objections for proposed removal

20. Subject: Consider authorizing execution of a Custodial Services Contract for Citywide Custodial Services
Recommended Action: Authorize the City Manager to execute the Custodial Services Contract between the City of Cupertino and IMPEC Group Inc. (IMPEC) to provide custodial services at various City facilities for three years, at an annual amount not-to-exceed \$1,062,364.61; and if performance is satisfactory, followed by up to two additional years of service at an annual amount adjusted by the Consumer Price Index (CPI)
21. Subject: Consider authorization to execute a Design Professional Services Agreement between the City of Cupertino and MIG, Inc., for the All-Inclusive Playground at Jollyman Park
Recommended Action: 1. Authorize the City Manager to execute a Design Professional Services Agreement between the City and MIG, Inc. (MIG) to provide design services for the All-Inclusive Playground (AIPG) at Jollyman Park in the amount of \$389,511; and
2. Authorize the Director of Public Works to execute any necessary services or change orders, up to a contingency amount of \$77,900, for a total appropriation of \$467,411

Written Communications for this item included an email to Council.

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

Peggy Griffin supported emphasizing accessibility for the disabled of all ages.

Mayor Paul closed the public comment period.

Capital Improvement Programs Manager Susan Michael reviewed the staff report.

Councilmembers asked questions and made comments.

Paul moved and Wei seconded to:

1. Authorize the City Manager to execute a Design Professional Services Agreement between the City and MIG, Inc. (MIG) to provide design services for the All-Inclusive Playground (AIPG) at Jollyman Park in the amount of \$389,511; and
 2. Authorize the Director of Public Works to execute any necessary services or change orders, up to a contingency amount of \$77,900, for a total appropriation of \$467,411
- The motion carried unanimously.

Council recessed from 8:55 p.m. to 9:02 p.m.

28. Subject: Application for Alcohol Beverage License for 20010 Partners LLC (dba Sweet Maple), 20010 Stevens Creek Boulevard
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for 20010 Partners LLC (dba Sweet Maple), 20010 Stevens Creek Blvd

SECOND READING OF ORDINANCES

29. Subject: Consider conducting a second reading of an ordinance to make minor and technical corrections to the Cupertino Municipal Code as follows: (1) enacting new Sections 2.36.085 and 2.74.075 and new Chapter 2.110; (2) amending Sections 1.12.010, 2.48.020, 2.60.050, 2.68.050, 2.74.040, 2.80.090, 2.86.070, 2.92.090, 3.23.060, 8.06.030, 14.04.125, 14.18.090, 16.52.043, 16.52.053, 18.04.020, 19.102.030, and 19.104.220 and Table 19.124.040; and (3) repealing Section 11.08.020
Recommended Action: That the City Council conduct the second reading and enact Ordinance No. 21-2234: "An Ordinance of the City Council of the City of Cupertino to update the Municipal Code to improve City operations and bring the Cupertino Municipal Code up to date by (1) enacting new Sections 2.36.085 and 2.74.075 and new Chapter 2.110; (2) amending Sections 1.12.010, 2.48.020, 2.60.050, 2.68.050, 2.74.040, 2.80.090, 2.86.070, 2.92.090, 3.23.060, 8.06.030, 14.04.125, 14.18.090, 16.52.043, 16.52.053, 18.04.020, 19.102.030, and 19.104.220 and Table 19.124.040; and (3) repealing section 11.08.020"

Written communications for this item included a Supplemental Staff Report Response to Council Inquiries and Amended Attachment A Draft Ordinance – Redline correcting typographical errors.

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

City Clerk Kirsten Squarcia read the title of Ordinance No. 21-2234: "An Ordinance of the City Council of the City of Cupertino to update the Municipal Code to improve City operations and bring the Cupertino Municipal Code up to date by (1) enacting new Sections 2.36.085 and 2.74.075 and new Chapter 2.110; (2) amending Sections 1.12.010, 2.48.020, 2.60.050, 2.68.050, 2.74.040, 2.80.090, 2.86.070, 2.92.090, 3.23.060, 8.06.030, 14.04.125, 14.18.090, 16.52.043, 16.52.053, 18.04.020, 19.102.030, and 19.104.220 and Table 19.124.040; and (3) repealing section 11.08.020."

Jennifer Griffin was concerned about the loss of retail on Steven Creek Boulevard and the parking and dining room changes.

Peggy Griffin opposed approval of the requested modifications to the Westport project.

Jean Bedord supported approval of the Westport / Atria project. (Submitted written comments).

Housing Commissioner Connie Cunningham (representing self) supported approval of the requested modifications to the Westport project.

Planning Commissioner Steven Scharf (representing self) was disappointed with the requested modifications for an already approved project.

Richard Adler supported approval of the Atria Westport project proposed changes. (Submitted written comments).

Mayor Paul closed the public hearing.

Councilmembers asked questions and made comments.

Matthew Witte, Senior Vice President, Acquisitions and Development at Related California, gave a presentation and answered questions.

Mark Tersini, Project Applicant and Senior Vice President at KT Urban Properties and Mark Alexander, Senior Vice President and Head of Development at Atria Senior Living, answered questions.

Wei moved and Chao seconded approval of the staff recommendation. Council did not vote on this motion.

Chao moved and Moore seconded a substitute motion to provide direction for the applicant to explore a modified proposal to place the dining facility at a different location in the building, so the ground retail portion is not modified from the approved project. Moore made a friendly amendment to explore the potential for one of the townhouses or rowhouses be affordable as a Below-Market-Rate (BMR) unit for-sale or for-rent, and the extension of the subterranean garage be explored, and come back for Council consideration at the December 21 City Council meeting. (Chao accepted the friendly amendment). The substitute motion carried with Wei voting no.