



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Wednesday, February 19, 2025**

SPECIAL MEETING

At 6:45 p.m., Vice Mayor Kitty Moore 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; and teleconference location pursuant to Government Code section 54953(b)(2); Leela Gurgagon National Highway 8, Ambience Island, DLF Phase 3, Sector 24, Gurugram, Haryana 122002, India.

ROLL CALL

Present: Mayor Liang Chao (participated remotely), Vice Mayor Kitty Moore, and Councilmembers J.R. Fruen, Sheila Mohan, and Ray Wang (participated remotely). Absent: None.

CLOSED SESSION REPORT

City Attorney Chris Jensen reported on the closed session held on February 12, 2025. City Attorney Jensen reported that the Council met to consider the appointment of an interim city attorney. Some results from that closed session will be presented in the agenda under Item 12. There was one reportable action: the Council appointed a subcommittee consisting of Vice Mayor Moore and Councilmember Fruen to negotiate a contract for the Interim City Attorney. The motion was approved by a 3-2 vote, with Fruen and Mohan voting no.

CEREMONIAL ITEMS

1. Subject: Recognition of The Independent Order of Odd Fellows Cupertino Lodge No. 70 (Cupertino Odd Fellows)
Recommended Action: Present proclamation to The Independent Order of Odd Fellows Cupertino Lodge No. 70 (Cupertino Odd Fellows) for its contributions to the community

Tom Blackburn, Cupertino Odd Fellows Lodge No. 70 Secretary, made comments and received the proclamation.

Vice Mayor Moore presented the proclamation to The Independent Order of Odd Fellows Cupertino Lodge No. 70 (Cupertino Odd Fellows) for its contributions to the community.

PRESENTATIONS

2. Subject: Presentation on Mayor's Initiative(s) regarding Resolution No. 07-103, to be announced at the February 26, 2025 State of the City Address
Recommended Action: Receive presentation on Mayor's Initiative(s) regarding Resolution No. 07-103, to be announced at the February 26, 2025 State of the City Address

Mayor Chao gave a presentation on Mayor's Initiative(s) regarding Resolution No. 07-103, to be announced at the February 26, 2025 State of the City Address.

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Written communications for this item included emails forwarded by Councilmembers.

The following members of the public spoke:

Jennifer Griffin discussed a Santa Clara County affordable teacher housing project.

Avani Bheemaiah, Avni, Akshita, Raghav, Pragne, and Kelly, representing Project Unlocked for Future Business Leaders of America (FBLA), discussed their survey findings of Cupertino business owners regarding the City's regulatory environment.

Planning Commissioner Muni Madhhipatla (representing self) discussed a homeless encampment at De Anza Boulevard and McClellan Road.

Planning Commissioner San R (representing self) discussed Council approvals for fiscal planning, roadway projects, and resident consideration.

Venkat Ranganathan discussed a proposed housing project on Wolfe Road.

Rhoda Fry discussed the Emergency Manager position vacancy, City spending and revenues, and a project for consideration by the Administrative Hearing Committee.

CONSENT CALENDAR (Items 3-8)

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

MOTION: Fruen moved and Mohan seconded to adopt the Consent Calendar as presented. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

3. Subject: Approval of January 27, 2025 City Council minutes
 Recommended Action: Approve the January 27, 2025 City Council minutes
4. Subject: Approval of January 28, 2025 City Council minutes
 Recommended Action: Approve the January 28, 2025 City Council minutes
5. Subject: Approval of February 3, 2025 City Council minutes
 Recommended Action: Approve the February 3, 2025 City Council minutes
6. Subject: Approval of February 4, 2025 City Council minutes
 Recommended Action: Approve the February 4, 2025 City Council minutes
7. Subject: Ratifying Accounts Payable for the periods ending January 3, 2025; January 17, 2025; and January 31, 2025
 Recommended Action: A. Adopt Resolution No. 25-011 ratifying Accounts Payable for the Period ending January 3, 2025;
 B. Adopt Resolution No. 25-012 ratifying Accounts Payable for the Period ending January 17, 2025; and
 C. Adopt Resolution No. 25-013 ratifying Accounts Payable for the Period ending January 31, 2025

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

8. Subject: Acceptance of Federal Highway Administration grant, and award of design professional services agreement to Biggs Cardosa Associates, Inc. for a total not-to-exceed contract amount of \$625,000 for the Stevens Creek Bridge Repair Project.
 Recommended Action: 1. Adopt Resolution No. 25-014 accepting \$688,000 in Federal grants from the Federal Highway Administration's Highway Bridge Program for the

Stevens Creek Bridge Repair Project.

2. Adopt Resolution No. 25-015 approving budget modification #2425-381, approving an increase of Federal grant revenue estimates of \$688,000 and an appropriation of \$688,000 in the Capital Improvement Program Fund (420-99-267).

3. Authorize the City Manager to award a design professional services agreement with Biggs Cardosa Associates, Inc. in the total not-to-exceed contract amount of \$625,000 for the Stevens Creek Bridge Repair Project.

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

PUBLIC HEARINGS

9. Subject: Zoning Map Amendment to correct zoning for Priority Housing Site No. 24 in the 6th Cycle Housing Element (Application No.(s): Z-2024-001, EA-2024-001; Applicant: City of Cupertino; APN: 359 13 019; Location: 20865 McClellan Road)

Recommended Action: That the City Council introduce and conduct the first reading of Ordinance No. 25-2268 titled “An Ordinance of the City Council of the City of Cupertino Correcting the Zoning of a Priority Housing Element Site Located at 20865 McClellan Road From R-3 to R-3/TH to Ensure Consistency with the General Plan And Housing Element” by title only.

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

Assistant Director of Community Development Luke Connolly gave a presentation.

Councilmembers asked questions and made comments.

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

Ken Bell

Daniel Ying

Yvonne Thorstenson

Jennifer Griffin

Rhoda Fry

Vice Mayor Moore closed the public hearing.

MOTION: Wang moved and Mohan seconded to introduce and conduct the first reading of Ordinance No. 25-2268 titled, “An Ordinance of the City Council of the City of

Cupertino Correcting the Zoning of a Priority Housing Element Site Located at 20865 McClellan Road From R-3 to R-3/TH to Ensure Consistency with the General Plan And Housing Element” by title only. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, and Mohan. Noes: Wang. Abstain: None. Absent: None.

At 8:32 p.m., Vice Mayor Moore recessed the meeting. The meeting reconvened at 8:37 p.m. with Councilmember Wang absent.

ACTION CALENDAR

10. Subject: Tyler New World Enterprise Resource Planning (ERP) replacement (Continued from February 4, 2025 City Council meeting)
Recommended Action: Adopt Resolution No. 25-007 approving Budget Modification No. 2425-380 increasing appropriations in the amount of \$3,744,526 in the General Fund Applications Budget unit (100-32-308 750-237) for the Tyler New World Enterprise Resource Planning (ERP) replacement

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

Chief Technology Officer Teri Gerhardt reviewed the staff report.

Councilmembers asked questions and made comments.

At 8:53 p.m., Vice Mayor Moore recessed the meeting. The meeting reconvened at 9:03 p.m. with all Councilmembers present.

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

San R
Tracy K

Vice Mayor Moore closed the public comment period.

MOTION: Wang moved and Chao seconded to adopt Resolution No. 25-007 approving Budget Modification No. 2425-380 increasing appropriations in the amount of \$3,744,526 in the General Fund Applications Budget unit (100-32-308 750-237) for the Tyler New World Enterprise Resource Planning (ERP) replacement.

FRIENDLY AMENDMENT: Wang made a friendly amendment to move forward with the Request for Proposal (RFP), but not appropriate the budget and use the Technology, Information, and Communications Commission (TICC) as needed for additional input.

(Chao accepted the friendly amendment).

The Council did not vote on this motion.

SUBSTITUTE MOTION: Fruen moved and Mohan seconded the staff recommendation to adopt Resolution No. 25-007 approving Budget Modification No. 2425-380 increasing appropriations in the amount of \$3,744,526 in the General Fund Applications Budget unit (100-32-308 750-237) for the Tyler New World Enterprise Resource Planning (ERP) replacement. The Council did not vote on this motion.

SECOND SUBSTITUTE MOTION: Chao moved and Wang seconded the staff recommendation as amended to adopt Resolution No. 25-007 approving Budget Modification No. 2425-380 increasing appropriations in the amount of \$3,744,526 in the General Fund Applications Budget unit (100-32-308 750-237) for the Tyler New World Enterprise Resource Planning (ERP) replacement with an amendment for an amount of \$2.5 million dollars for the budget modification.

FRIENDLY AMENDMENT: Fruen made a friendly amendment to include check-ins for Council approval of the final contract and any additional funding (Chao and Wang accepted the friendly amendment).

MODIFICATION: Chao modified the second substitute motion with a potential to increase to \$3,744,526 with justification from the RFP that it's clear that there is willingness to need a higher amount (Wang accepted the friendly amendment).

The amended and modified second substitute motion passed with the following vote: Ayes: Chao, Moore, Fruen, and Wang. Noes: Mohan. Abstain: None. Absent: None.

MOTION: Moore moved and Fruen seconded to extend the meeting to hear agenda Item 12. The motion passed with the following vote: Ayes: Chao, Moore, Mohan, Fruen, and Wang. Noes: None. Abstain: None. Absent: None.

12. Subject: Appointment of Floy Andrews as City Attorney and approval of contract for City Attorney legal services with Aleshire & Wynder, LLP
Recommended Action: Appointment of Floy Andrews as City Attorney and approval of contract for City Attorney legal services with Aleshire & Wynder, LLP

Written communications for this item included a presentation submitted by Aleshire & Wynder.

Vice Mayor Moore introduced the item.

Councilmembers asked questions and made comments.

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

public comment period.

MOTION: Fruen moved and Moore seconded to appoint Floy Andrews as City Attorney and approve the contract for City Attorney legal services with Aleshire & Wynder, LLP. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, and Mohan Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Chao moved and Wang seconded to extend the meeting to hear Item 11 in its entirety. The motion failed with the following vote: Ayes: Chao and Wang. Noes: Fruen, Mohan, and Moore. Abstain: None. Absent: None.

ADJOURNMENT

At 10:45 p.m. Vice Mayor Moore adjourned the Special City Council meeting. There was no Council discussion on the remaining agenda items.

11. Subject: Amendments to the Cupertino City Council Procedures Manual
Recommended Action: Adopt Resolution No. 25-016 amending the Cupertino City Council Procedures Manual

Written communications for this item included a staff presentation, Councilmember Mohan's comments on Council Procedures Manual revisions, and emails to the Council.

This item was continued to the March 4, 2025 City Council Meeting per rule.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None

CITY MANAGER REPORT

The Council did not hear this item.

ORAL COMMUNICATIONS – CONTINUED – None

COUNCILMEMBER REPORTS

13. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

The Council did not hear this item.

Minutes prepared by:

A handwritten signature in blue ink that reads "Kirsten Squarcia". The signature is written in a cursive, flowing style.

Kirsten Squarcia, City Clerk