



Amended
APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, May 7, 2024

At 6:00 p.m., Mayor Sheila Mohan called the Regular City Council Meeting to order in City Hall Conference Room C, 10300 Torre Avenue.

ROLL CALL

Present: Mayor Sheila Mohan, Vice Mayor J.R. Fruen, and Councilmembers Liang Chao, Kitty Moore, and Hung Wei. Absent: none.

CLOSED SESSION

In open session prior to closed session, Mayor Mohan opened the public comment period regarding any item on the agenda. No members of the public requested to speak, and Mayor Mohan closed the public comment period.

1. Subject: Conference with legal counsel - existing litigation pursuant to Government Code § 54956.9 (City of Cupertino v. Jennifer Chang, Santa Clara County Superior Court Case No. 21CV380291)

Council met with legal counsel on the existing litigation City of Cupertino v. Jennifer Chang, Santa Clara County Superior Court Case No. 21CV380291.

RECESS

At 6:40 p.m., Mayor Mohan recessed the meeting. At 6:47 p.m., Mayor Mohan reconvened the meeting 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.

CLOSED SESSION REPORT

City Attorney Chris Jensen conducted the open session report regarding the closed session held at 6:00 PM. City Attorney Jensen reported that there was nothing to report.

Mayor Mohan held a moment of silence for the victims of a traffic collision at the intersection of Foothill and Stevens Creek Boulevards on April 27.

CEREMONIAL ITEMS

2. Subject: Recognition of May as Asian American and Pacific Islander Heritage Month
Recommended Action: Recognize May as Asian American and Pacific Islander Heritage Month

Mayor Mohan recognized May as Asian American and Pacific Islander Heritage Month.

3. Subject: Recognition of May as Affordable Housing Month
Recommended Action: Recognize May as Affordable Housing Month

Emily Ann Ramos, Preservation and Protection Associate, SV@Home provided comments.

Mayor Mohan recognized May as Affordable Housing Month.

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Written communications for this item included an email to Council.

The following members of the public spoke:

Alysa Sakkas, representing Cupertino Toyokawa Sister City, discussed the Cherry Blossom Festival.

Sharon Fong, Jean Gasparini, Fran Ellis, Beth Wichmann, Dino Sakkas, Susan Satya, and Gary McCue ceded time to Alysa Sakkas.

Brooke Ezzat discussed City finances and parks and recreation projects.

Rhoda Fry discussed sheriff services, Linda Vista Park project, and City budget and finances.

San R discussed festival event parking, recreation projects, and speed limit enforcement.

CONSENT CALENDAR (Items 4-8)

Mayor Mohan opened the public comment period and the following members of the public spoke.

Rhoda Fry (Item 8)

Mayor Mohan closed the public comment period.

Councilmembers asked questions and made comments.

MOTION: Wei moved and Chao 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.

4. Subject: Approve a fifth amendment with Moore Iacofano Goltsman, Inc. (MIG) to provide additional design and project management services for the Lawrence-Mitty Park and Trail Project for a total not-to-exceed amount of \$955,403 and extend the contract date to December 31, 2027(Continued from April 16, 2024)
Recommended Action: Authorize the City Manager to execute a fifth amendment (Agreement #402, P.O 2022-0325) with MIG to extend the contract term end date to December 31, 2027, and to provide additional design and project management services on the Lawrence-Mitty Park and Trail Project, for a revised total and additional service amount of \$661,619, increasing the maximum compensation amount to \$955,403
5. Subject: Approval of April 16, 2024 City Council minutes
Recommended Action: Approve the April 16, 2024 City Council minutes
6. Subject: Setting a hearing date of June 18, 2024 to declare brush with potential fire hazard a public nuisance and for objections to proposed removal through the Cupertino Brush Abatement Program (Wildland-Urban Interface Fire Area); and adopting a resolution declaring properties as having potential fire hazards from brush and authorizing removal
Recommended Action: Adopt Resolution No 24-037 declaring properties as having potential fire hazards from brush; and set a hearing date of June 18, 2024 to declare brush with potential fire hazard a public nuisance and to hear objections to proposed removal
7. Subject: Appointment of the City of Cupertino's Bicycle Pedestrian Commission (BPC) representative, Hervé Marcy, to the Santa Clara County Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC).
Recommended Action: Appoint Hervé Marcy to the VTA BPAC for the upcoming term, beginning July 1, 2024 and ends June 30, 2026.

8. Subject: Approve a first amendment with HF&H Consultants, LLC, to provide solid waste consultant services for a not-to-exceed amount of \$430,000 and extend the contract date to August 31, 2026.
- Recommended Action: 1. Authorize the City Manager to execute a first amendment with HF&H Consultants, LLC, increasing the contract amount by \$80,000 for a new total not-to-exceed contract amount of \$430,000, and extending the term from August 31, 2025, to August 31, 2026;
2. Approve a Budget Adjustment in the amount of \$80,000 in the Resource Recovery Fund for HF&H Consultants, LLC (520-81-801 750-174);
3. Adopt Resolution No. 24-038 approving budget modification #2324-339, approving a Budget Adjustment in the amount of \$80,000 in the Resource Recovery Fund for HF&H Consultants, LLC (520-81-801 750-174).

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

PUBLIC HEARINGS

9. Subject: Fiscal Year 2024-25 Fee Schedule (continued from April 16, 2024)
- Recommended Action: Continue the item to May 14, 2024

Mayor Mohan opened and then closed the public hearing.

MOTION: Moore moved and Wei seconded to continue the Fiscal Year 2024-25 Fee Schedule item to May 14, 2024. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

ACTION CALENDAR

10. Subject: 2024 Legislative Update
- Recommended Action: Receive an overview of pending legislation and direct staff to prepare and send letters taking positions on the following:
- 1) Bay Area Affordable Housing Measure (BAHFA) - Affordable Housing
 - 2) Assembly Bill (AB) 1779 (Irwin) - Public Safety
 - 3) Senate Bill (SB) 1143 (Allen) - Environmental - Waste Management
- Presenters: Tina Kapoor, Deputy City Manager and Gonsalves and Son

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

Deputy City Manager Tina Kapoor and Jason Gonsalves, Partner at Joe A. Gonsalves

and Son, gave a presentation.

Councilmembers asked questions and made comments.

Mayor Mohan opened the public comment period and the following members of the public spoke.

San R

Lisa

Mayor Mohan closed the public comment period.

MOTION: Moore moved and Wei seconded to direct staff to prepare and send a letter taking a position of support for Item 3 Senate Bill (SB) 1143 (Allen) - Environmental - Waste Management and to consider Items 1 and 2 separately. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

MOTION: Moore moved and Chao seconded to direct staff to prepare and send a letter taking a position of support for Item 2 Assembly Bill (AB) 1779 (Irwin) - Public Safety. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

SUBSTITUTE MOTION: Moore moved and Chao seconded a substitute motion to direct staff to prepare and send a letter taking a “watch” position for Item 1 Bay Area Affordable Housing Measure (BAHFA) - Affordable Housing, until further information is available. The substitute motion failed with the following vote: Ayes: Chao and Moore. Noes: Mohan, Fruen, and Wei. Abstain: None. Absent: None.

MOTION: Wei moved and Fruen seconded to direct staff to prepare and send a letter taking a position of support “in concept” for Item 1 Bay Area Affordable Housing Measure (BAHFA) - Affordable Housing.

FRIENDLY AMENDMENT: Fruen made a friendly amendment to include a request for a strong return to source provisions and stronger public oversight of the bond, as per the League of Women Voters Bay Area letter of April 15, 2024 to the ABAG Executive Board. (Wei accepted Fruen’s friendly amendment).

FRIENDLY AMENDMENT: Chao made a friendly amendment for equitable treatment between residential and commercial properties. (Wei declined Chao’s friendly amendment and it was not included in the motion).

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

ITEMS REMOVED FROM THE CONSENT CALENDAR - None**CITY MANAGER REPORT**

City Manager Pamela Wu shared a video showing the new City website page location for off-agenda informational memos.

ORAL COMMUNICATIONS - CONTINUED – None**COUNCILMEMBER REPORTS****11. Subject: Councilmember Reports**

Written communications for this item included desk item Revised Attachment B – Councilmember Report from Vice Mayor Fruen.

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

FUTURE AGENDA ITEMS

Council members added the following future agenda items:

- Study session on the budgeted headcount for City employees (Chao and Moore)
- Review of City Treasurer function and process for ratifying Accounts Payables (Moore and Chao)
- Review of City Organization Chart and City Treasurer and City Attorney position levels (Moore and Chao)

ADJOURNMENT

At 9:08 p.m., Mayor Mohan adjourned the Regular City Council Meeting.

Minutes prepared by:

Kirsten Squarcia, City Clerk