



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, May 21, 2024

At 6:00 p.m., Mayor Sheila Mohan called the Regular City Council Meeting to order in Cupertino 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.

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.

CLOSED SESSION

1. Subject: Workers compensation claim pursuant to Government Code § 54956.95(b) (Ricardo Acevedo v. City of Cupertino, WCAB No. ADJ17329936)

Council met with legal counsel on the workers compensation claim (Ricardo Acevedo v. City of Cupertino, WCAB No. ADJ17329936).

RECESS

At 6:13 p.m., Mayor Mohan recessed the meeting. At 6:45 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 at 6:00 p.m. City Attorney Jensen reported there was no reportable action.

City Attorney Jensen also reported on the special meeting closed session held on May 14. City Attorney Jensen announced a final settlement was reached in the case of City of Cupertino v. Jennifer Chang, a civil case regarding the embezzlement of City funds. After a successful motion for summary judgment, the City received a settlement agreement for over \$800,000 from Ms. Chang that would collect the balance of principle and all of the interest over to the City. Together with the judgment and the prosecution in the criminal case against Ms. Chang, the City is made whole for the entire amount lost, including principal and interest.

CEREMONIAL ITEMS

2. Subject: Recognition of National Public Works Week, May 19-25, 2024
Recommended Action: Recognize National Public Works Week, May 19-25, 2024

Mayor Mohan recognized May 19-25, 2024 as National Public Works Week.

POSTPONEMENTS AND ORDERS OF THE DAY - None

ORAL COMMUNICATIONS

The following members of the public spoke:

Toby Leavitt, representing the San Francisco Shakespeare Festival, discussed Free Shakespeare in the Park.

Harley Liu discussed bicycle infrastructure and safety.

Rhoda Fry discussed revenue strategies.

Louis Saadati discussed Dog Off-Leash (DOLA) maintenance and amenities.

CONSENT CALENDAR (Items 3-9)

Item 7 was pulled from the Consent Calendar by Councilmembers Chao and Moore.

MOTION: Mohan moved and Wei seconded to hear Item 7 before the Action Calendar. The motion passed with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

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

Councilmembers made comments.

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

Item 7 was moved before the Action Calendar for consideration.

3. Subject: Approval of May 7, 2024 City Council minutes
 Recommended Action: Approve the May 7, 2024 City Council minutes

Written communications for this item included a desk item report with Amended Attachment A – Draft Minutes (redline).

4. Subject: Ratifying Accounts Payable for the periods ending April 5, 2024; April 12, 2024; April 19, 2024; and April 26, 2024
 Recommended Action: A. Adopt Resolution No. 24-043 ratifying Accounts Payable for the Period ending April 5, 2024;
 B. Adopt Resolution No. 24-044 ratifying Accounts Payable for the Period ending April 12, 2024;
 C. Adopt Resolution No. 24-045 ratifying Accounts Payable for the Period ending April 19, 2024; and
 D. Adopt Resolution No. 24-046 ratifying Accounts Payable for the Period ending April 26, 2024

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

5. Subject: Approve a First Amendment with Tyler Technologies for continued Enterprise Resource Planning (ERP) Software Maintenance and Support, for a total not-to-exceed amount of \$672,924.92 including a 10% contingency and extending the contract date to June 30, 2028.
 Recommended Action: Authorize the City Manager to execute a First Amendment with Tyler Technologies for continued Enterprise Resource Planning (ERP) Software Maintenance and Support, for a total not-to-exceed amount of \$672,924.92 including a 10% contingency and extending the term of the agreement to June 30, 2028.
6. Subject: Lease agreement with the Regents of the University of California for the Rolling Hills 4-H Club for facilities at the McClellan Ranch Preserve
 Recommended Action: Authorize the City Manager to execute a new lease agreement

with the Regents of the University of California for the Rolling Hills 4-H Club for facilities at the McClellan Ranch Preserve for a period of ten years, through August 31, 2034

8. Subject: Approve a Third Amendment with Chandler Asset Management to continue investment advisory services for a total not-to-exceed amount of \$600,000 and extending the contract date to December 31, 2028
Recommended Action: Authorize the City Manager to execute the Third Amendment with Chandler Asset Management, reinstating the Professional Services Agreement to continue investment advisory services for a new not-to-exceed contract amount of \$600,000 and extending the contract date to December 31, 2028

Written communications for this item included emails to Council.

9. Subject: Approve a Fourth Amendment with Hinderliter, de Llamas & Associates (HdL) to continue Sales, Use, and Transaction Tax Audit services for a total not-to-exceed amount of \$230,000
Recommended Action: Authorize the City Manager to execute the Fourth Amendment with Hinderliter, de Llamas & Associates (HdL) for continued sales, use, and transaction tax audit services, increasing the contract amount by \$60,000 for a new total not-to-exceed contract amount of \$230,000

PUBLIC HEARINGS - None

ITEMS REMOVED FROM THE CONSENT CALENDAR

7. Subject: Fiscal Year (FY) 2024/2025 projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by Senate Bill (SB) 1.
Recommended Action: Adopt Resolution No. 24-047 (Attachment A) establishing a list of projects proposed to be funded by \$1,549,796 of SB 1 revenues, estimated to be received in FY 2024/2025.

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

This item was pulled from the Consent Calendar for discussion.

Councilmembers asked questions and made comments.

Public Works Director Chad Mosley answered questions.

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

public spoke.

Rattehalli Sudesh

Planning Commissioner Seema Lindskog, representing Walk Bike Cupertino
Parks and Recreation Commissioner Jennifer Shearin (representing self)

Peggy Griffin

Aaryan Doshi

Louise Saadati

San R

Caller 1820

Mayor Mohan closed the public comment period.

MOTION: Chao moved and Fruen seconded the staff recommended action to adopt Resolution No. 24-047 establishing a list of projects proposed to be funded by \$1,549,796 of SB 1 revenues, estimated to be received in FY 2024/2025. The motion passed with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

ACTION CALENDAR

10. Subject: City Manager's Third Quarter Financial Report for Fiscal Year 2023-24
Recommended Action: 1. Receive the City Manager's Third Quarter Financial Report for Fiscal Year 2023-24; and
2. Adopt Resolution No. 24-048 and Budget Modification 2324-340 decreasing appropriations by \$464,980 and increasing revenues by \$20,010,094
Presenters: Kristina Alfaro, Director of Administrative Services and Thomas Leung, Budget Manager

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

Director of Administrative Services Kristina Alfaro and Budget Manager Thomas Leung gave a presentation.

Councilmembers asked questions and made comments.

Councilmember Moore added an informational memo for clarification on the De Anza College student intern contract.

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

public spoke.

Peggy Griffin

Rhoda Fry

Lisa

Mayor Mohan closed the public comment period.

MOTION: Fruen moved and Wei seconded the staff recommended action to:

1. Receive the City Manager's Third Quarter Financial Report for Fiscal Year 2023-24; and
2. Adopt Resolution No. 24-048 and Budget Modification 2324-340 decreasing appropriations by \$464,980 and increasing revenues by \$20,010,094.

The motion passed with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei.

Noes: None. Abstain: None. Absent: None.

At 8:08 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 8:17 p.m. with all Councilmembers present.

STUDY SESSION

11. Subject: Initial Study Session on Fiscal Year (FY) 2024-25 Proposed Operating and Capital Improvement Program Budgets

Recommended Action: Initial Study Session on Fiscal Year (FY) 2024-25 Proposed Operating and Capital Improvement Program Budgets

Presenters: Kristina Alfaro, Director of Administrative Services and Thomas Leung, Budget Manager

Written communications for this item included a staff presentation, a supplemental report with staff responses to councilmember questions, Attachment U - FY 2017-18 Personnel Schedules, Attachment V - FY 2024-25 Personnel Schedules, Attachment W - Report from Baker Tilley on budget assumptions, and emails to Council.

Director of Administrative Services Kristina Alfaro, Budget Manager Thomas Leung, and Steve Tolar, Director with Baker Tilly, gave a presentation.

Councilmembers asked questions and made comments.

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

Peggy Griffin

Rhoda Fry

Parks and Recreation Commissioner Jennifer Shearin (representing the Parks and Recreation Commission)

San R

Mayor Mohan closed the public comment period.

MOTION: Chao moved and Moore seconded to:

- Restore the Citizens of Cupertino in the Organization Chart, which has been in Cupertino's budget reports every year in the past and in other cities' budget reports
- Remove expensive studies from the FY 2024-25 City Work Program
 - Postpone Active Transportation Plan \$330,000
 - Postpone Feasibility study of recycled water \$200,000
 - Reduce the scope of Sign Ordinance to only address recent concerns, rather than \$200,000 overall of the ordinance.

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

MOTION: Mohan moved and Fruen seconded to direct staff to bring back the proposed budget for consideration by Council for adoption on June 4. Mohan's motion passed with the following vote: Ayes: Mohan, Fruen, Moore, and Wei. Noes: None. Abstain: Chao. Absent: None.

CITY MANAGER REPORT

City Manager Pamela Wu shared a video previewing the upcoming Pride Flag Raising Ceremony.

ORAL COMMUNICATIONS - CONTINUED – None

COUNCILMEMBER REPORTS

12. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

Council did not hear this item.

ADJOURNMENT

At 10:21 p.m., Mayor Mohan adjourned the Regular City Council Meeting.

Minutes prepared by:

Kirsten Squarcia, City Clerk