



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, March 18, 2025**

SPECIAL MEETING

At 5:30 p.m., Mayor Liang Chao called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

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

ACTION CALENDAR

1. Subject: Introduce Municipal Code amendments to the Cupertino Municipal Code, Title 2 to add Chapter 2.96 and codify the Economic Development Committee
Recommended Action: 1. Conduct the first reading of Ordinance No. 25-2269 "An Ordinance of the City Council of the City of Cupertino Amending City Code Title 2 Chapter 2.96: Economic Development Committee"
2. Find that the proposed actions are exempt for CEQA

Written communications for this item included emails to the Council.

City Attorney Floy Andrews reviewed the staff report.

Economic Development Manager Daniel Degu provided background information and answered questions.

Councilmembers asked questions and made comments.

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

Jean Bedord
Jennifer Griffin

San R

Mayor Chao closed the public comment period.

MOTION: Moore moved and Wang seconded to move the Recommended Action to:

1. Conduct the first reading of Ordinance No. 25-2269 "An Ordinance of the City Council of the City of Cupertino Amending City Code Title 2 Chapter 2.96: Economic Development Committee"
2. Find that the proposed actions are exempt for CEQA;

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

STUDY SESSION

2. Subject: Study Session to consider reestablishing the City's Legislative Review Committee.

Recommended Action: Provide staff direction on reestablishing the Legislative Review Committee and direct the City Attorney to consider the impact of Municipal Code Section 2.17.031 on any reestablished Legislative Review Committee.

Written communications for this item included emails to the Council.

City Attorney Floy Andrews reviewed the staff report.

Councilmembers asked questions and made comments.

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

Jennifer Griffin

San R

Mayor Chao closed the public comment period.

MOTION: Moore moved and Chao seconded to have the LRC be a Council Subcommittee for the 2025 legislative session, which ends October 12, 2025, with the purpose to:

1. Make recommendations to Council regarding support or opposition of pending legislation following the existing Legislative Platform on the City website.
 - a. Recommendations will ordinarily be a Consent Calendar item.
2. Advise the Council of potential changes for consideration to the existing Legislative Platform for Council to consider updating it.

3. Based on the Council's approval or modifications of the Subcommittee legislative recommendations, the Mayor will send letters of support or opposition on the various bills of interest; and
4. Additionally, to provide direction to staff to modify the current lobbyist contract Scope of Work to return the provision of information to the Council, as outlined in the Original Scope of Work.

FRIENDLY AMENDMENT: Chao made a friendly amendment to appoint Vice Mayor Moore and Councilmember Wang to the Council Subcommittee. (Moore accepted the friendly amendment).

FRIENDLY AMENDMENT: Moore made a friendly amendment requesting an informational memo to provide all reports received from lobbying consultant Joe Gonsalves & Sons since January 2023. (Chao accepted the friendly amendment).

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

ADJOURNMENT

At 6:49 p.m. Mayor Chao adjourned the Special City Council meeting.

REGULAR MEETING

At 6:54 p.m., Mayor Liang Chao called the Regular 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 Liang Chao, Vice Mayor Kitty Moore, and Councilmembers J.R. Fruen, Sheila Mohan, and R "Ray" Wang. Absent: None.

CLOSED SESSION REPORT – None

CEREMONIAL ITEMS

1. Subject: Receipt of annual report of activities from West Valley Community Services (WVCS) and recognition for 51 years of dedicated community service
Recommended Action: Receive annual report of activities from WVCS and present proclamation recognizing 51 years of dedicated community service

Written communications for this item included a presentation.

West Valley Community Services (WVCS) Executive Director Sujatha Venkatraman gave a presentation and received the proclamation.

Council received the annual report of activities from WVCS and Mayor Chao presented the proclamation recognizing 51 years of dedicated community service.

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Written communications for this item included emails to the Council.

The following members of the public spoke:

Dennis Park, Pamela Hershey, Qian Wang, Debi Chessen, and Lisa Warren discussed the sound wall separating N. Portal from Wolfe Road Housing development and The Rise, and a petition. (Submitted written comments).

Jennifer Griffin discussed the Sound Wall separating N. Portal from the Wolfe Road Housing development and The Rise.

Jaria Jaug, representing Build the Future, discussed affordable childcare.

Bicycle Pedestrian Commissioner Muni Madhhipatla (representing self) discussed homeless encampments, RV parking, and separated bike lanes.

Sustainability Commissioner Sonali Padgaonkar (representing self), Sai Mylavarapu, Sayalee Mylavarapu discussed crime prevention, sheriff services, and public safety initiatives.

Kelly discussed off-leash dog rules, signage, and enforcement.

Brooke Ezzat discussed budget management and oversight, contracts policy guidelines, staffing, and management of request to speak cards.

Call-in-user-1 discussed a code enforcement matter with the City regarding their property.

Planning Commissioner San R (representing self) discussed the Foothill-De Anza Community College District's purchase of McClellan Terrace.

Tessa Parish discussed the Sound Wall separating N. Portal from the Wolfe Road Housing development and The Rise, and the Public Safety Commission.

Mayor Chao continued Oral Communications to after City Manager's Report.

The following members of the public spoke:

Louise Saadati discussed City Council meeting procedures and the Sound Wall separating N. Portal from the Wolfe Road Housing development and The Rise.

Jean Bedord discussed City Council meeting procedures.

Chao requested an informational memo on burglary statistics and the Sheriff's response efforts.

CONSENT CALENDAR (Items 2-7)

Item 7 was removed from the Consent Calendar by Councilmember Mohan.

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

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

MOTION: Moore moved and Wang seconded to reorder the agenda to hear Item 7 after Public Hearings. The motion passed with the following vote: Ayes: Chao, Moore, Mohan, and Wang. Noes: Fruen. Abstain: None. Absent: None.

2. Subject: Approval of March 3, 2025 City Council minutes and Workshop Summary
 Recommended Action: Approve the March 3, 2025 City Council minutes and Workshop Summary
3. Subject: Approval of March 4, 2025 City Council minutes
 Recommended Action: Approve the March 4, 2025 City Council minutes
4. Subject: Ratifying Accounts Payable for the periods ending February 14, 2025 and February 28, 2025
 Recommended Action: A. Adopt Resolution No. 25-019 ratifying Accounts Payable for

the Period ending February 14, 2025; and

B. Adopt Resolution No. 25-020 ratifying Accounts Payable for the Period ending February 28, 2025

5. Subject: Construction contract for the 2025 Slurry Seal/Fog Seal Project to Doolittle Construction, LLC. in the amount of \$859,000.
Recommended Action: 1. Award a construction contract for the 2025 Slurry Seal/Fog Seal Project number 2025-102 in the amount of \$859,000 to Doolittle Construction, LLC.
2. Reject the non-responsive bid of the lowest bidder.
3. Authorize the City Manager to execute the construction contract with Doolittle Construction, LLC. when all conditions have been met.
4. Authorize the Director of Public Works to execute any necessary construction change orders up to a construction contingency amount of \$85,900 (10%) for a total contract amount not to exceed \$944,900.
6. Subject: Receive 2024 General Plan and Housing Annual Progress Report (APR)
Recommended Action: Receive the General Plan and Housing APRs

PUBLIC HEARINGS – None

ITEMS REMOVED FROM THE CONSENT CALENDAR

7. Subject: Reaffirm amendments to the Cupertino City Council Procedures Manual (Continued from March 4, 2025 City Council Meeting)
Recommended Action: Adopt Resolution No. 25-021 reaffirming amendments to the Cupertino City Council Procedures Manual

Written communications for this item included emails to the Council.

This item was removed from the Consent Calendar for discussion.

Mayor Chao introduced the item.

Councilmembers asked questions and made comments.

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

San R

Louise Saadati

Mayor Chao closed the public comment period.

MOTION: Moore moved and Wang seconded to Adopt Resolution No. 25-021 reaffirming amendments to the Cupertino City Council Procedures Manual. The motion passed with the following vote: Ayes: Chao, Moore, and Wang. Noes: Fruen and Mohan. Abstain: None. Absent: None.

ACTION CALENDAR

8. Subject: Receive Citywide Policy Inventory; Authorize Gap Analysis Final Report and Review the City Council Policy Inventory

Recommended Action: 1. Receive the Citywide Policy Inventory and Gap Analysis Report

2. Review the City Council Policy Inventory and authorize Moss Adams LLP ("Moss Adams") to include gap analysis as part of the FY 2025-26 Internal Audit Work Plan

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

Director of Administrative Services Kristina Alfaro and Chelsea Ritchie, Director with Moss Adams, gave a presentation.

Councilmembers asked questions and made comments.

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

San R

Peggy Griffin

Mayor Chao closed the public comment period.

MOTION: Fruen moved and Mohan seconded the Recommended Action to:

1. Receive the Citywide Policy Inventory and Gap Analysis Report; and
2. Review the City Council Policy Inventory and authorize Moss Adams LLP ("Moss Adams") to include gap analysis as part of the FY 2025-26 Internal Audit Work Plan.

FRIENDLY AMENDMENT: Wang made a friendly amendment to direct staff to provide to the Council, to the broadest extent possible, the internal staff policies that have not been made available to the public. (Fruen declined the friendly amendment and it was not included in the motion).

The Council did not vote on this motion.

SUBSTITUTE MOTION: Moore moved and Wang seconded a substitute motion for the

Recommended Action, as amended, to:

1. Receive the Citywide Policy Inventory and Gap Analysis Report;
2. Review the City Council Policy Inventory and authorize Moss Adams LLP ("Moss Adams") to include gap analysis as part of the FY 2025-26 Internal Audit Work Plan; and
3. Additionally, to provide the City Council access to the administrative policies in a confidential manner, either electronically or in a secure, in-person setting.

FRIENDLY AMENDMENT: Wang made a friendly amendment to provide the policies on a OneDrive folder. (Moore accepted the friendly amendment).

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

At 9:08 p.m. Mayor Chao recessed the meeting. The meeting reconvened at 9:17 p.m. with all Councilmembers present.

9. Subject: Receive City Council Subcommittee report on July 4th fireworks and provide Council direction for next steps

Recommended Action: Receive the City Council Subcommittee report on July 4th fireworks and provide Council direction for next steps

Written communications for this item included a desk item report with staff responses to councilmember questions, A – Update: Fourth of July Celebrations, and emails to the Council.

Councilmember Wang reviewed the item.

Councilmembers asked questions and made comments.

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

Ava Chiao

San R

Peggy Griffin

Mayor Chao closed the public comment period.

Council received the City Council Subcommittee report on July 4th fireworks. The Council did not provide any direction.

10. Subject: Confirm recommended language for two new City Council Strategic Goals; Finalize Fiscal Years 2025-2027 City Work Program

Recommended Action: 1. Confirm the recommended language for the two new City Council Strategic Goals; Environmental Sustainability and Fiscal Strategy
2. Finalize the Fiscal Years 2025-2027 City Work Program

Written communications for this item included a presentation, desk item report with staff responses to councilmember questions, desk items for First Ranking - Individual Councilmembers and Second Ranking - Individual Councilmembers, and emails to the Council.

Deputy City Manager Tina Kapoor gave a presentation.

Councilmembers asked questions and made comments.

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

Peggy Griffin

Tracy K

San R

Mayor Chao closed the public comment period.

MOTION: Chao moved and Moore seconded to approve the Proposed List (Attachment F) with the following modifications:

Motion part 1: Consolidate #1, #2, #3, #4, and #13 and retitle as: Economic Development for retail and small businesses - start in Year 1

Revised Description: Economic Development for retail and small businesses

1. Streamline permitting process for small businesses
2. Retention and recruitment of retail and small businesses: Explore options to support small businesses/startups, fill empty storefronts, and encourage entry of new forms of retail to promote revitalization:
 - Explore more themed events like restaurant week, and other festivals to bring vitality to Cupertino businesses
 - Improve placemaking in the City and the City's revenue stream
3. Create a small business council, provide regulatory support

Motion part 2: Revise #9 (which removes and incorporates #8) - add parkland impact fee and start in Year 1

New Title: Defensible Impact Fee Nexus Study for Traffic Impact Fee, Retail Impact Fee, BMR (Below Market Rate) Impact Fee + Parkland Impact Fee

Description:

With almost every infill project approval and revision, we are losing almost all retail with almost zero parking. New units tend to provide more townhomes, rather than much needed smaller starter units or senior flats. With potential challenges to waive impact fees and design standards, a defensible Nexus study is necessary to protect the City in order to collect impact fees since California Constitution does not allow unfunded mandates levied on cities

Staff description: Proceed with nexus studies to review a range of impact fees and other means of offsetting conversion of commercial land uses to residential.

Revised Description: Conduct nexus studies to review a range of impact fees, such as Traffic Impact Fee, Retail Impact Fee, BMR Impact Fee, and Parkland Impact Fee and other means of offsetting conversion of commercial land uses to residential to ensure the impact fees are defensible against legal challenges

Motion part 3: #14 (Proposed List): City Properties: Planning for Optimal Use => Revised to include Barn and house at entrance of Blackberry Farm

Revised Description: Future planning strategies for Stocklmeir house/garages, Blesch House, Blue Pheasant. Goal of judicial use of City-owned properties. Investigate potential purchase of CUSD Finch/Phil property.

- Include the McClellan Barn and the house at the entrance of Blackberry Farm

Motion part 4: #5 Permit Streamlining and Simplification for Small Home Upgrades - revise to include specifics from Wang's item

Revised Description: Develop a suite of improvements to (1) improve access to, and (2) speed the processing of permits for small home upgrades to enhance compliance and improve overall efficiency

- To consider: Improve the turnaround times. Set SLA's (Service Level Agreements) for staff and outsourced reviewers, customer service KPI's (Key Performance Indicators), templates to reduce back and forth, internal staff expertise to reduce consulting expenses

Motion part 5: Replace #18 (Proposed) with Revised #3 (Not Selected) - add notification for SB 330 and other projects during the application and approval process - start in Year (1) one

Revised Description (from #3)

Enhance Notification Methods for Development Projects and General Plan Amendments

- Consider a community meeting requirement for any major project application, especially those requiring a general plan amendment, as some other cities have adopted.
- Consider increasing notification radius from 300 feet to 500 feet (or even 1000 feet for major projects) for any project application, especially those requiring a

general plan amendment.

- Improve notification methods for SB 330 preliminary applications, streamlined projects, not requiring planning/council approval and other projects

Motion part 6: #19 (Proposed List) Unhoused Policies

Revised Description: Continue this work program item. Determine best practices for limited budget smaller cities to manage the unhoused. Review RV practices in surrounding cities for impacts and potential adoption. Review transitional housing outcomes in surrounding cities. Policies to include nimble contingency plans

Motion part 7: Remove #7 (Proposed List) Heart of the City Specific Plan Update - \$1M too large, scope unclear

Motion part 8: Remove #11 (Proposed List) Blackberry Farms Pool and Picnic Area CEQA Review

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

At 10:19 p.m. Councilmember Wang left the meeting.

MOTION: Chao moved and Moore seconded to confirm the recommended language for the two new City Council Strategic Goals; Environmental Sustainability and Fiscal Strategy. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, and Mohan. Noes: None. Abstain: None. Absent: Wang.

MOTION: Chao moved and Moore seconded to extend the meeting to hear City Manager Report, Oral Communications - Continued, and Future Agenda Items. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, and Mohan. Noes: None. Abstain: None. Absent: Wang.

CITY MANAGER REPORT - None

ORAL COMMUNICATIONS – CONTINUED

As noted under Oral Communications, the following comments were continued to after City Manager's Report.

Louise Saadati discussed City Council meeting procedures and the Sound Wall separating N. Portal from the Wolfe Road Housing development and The Rise.

Jean Bedord discussed City Council meeting procedures.

COUNCILMEMBER REPORTS

8. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

Chao added a study session to discuss the policy for the Capital Improvement Project (CIP) approval process.

As noted under Special Meeting Item 2, Moore requested an informational memo to provide all reports received from lobbying consultant Joe Gonsalves & Sons since January 2023.

As noted under Oral Communications, Chao requested an informational memo on burglary statistics and the Sheriff's response efforts.

ADJOURNMENT

At 10:41 p.m. Mayor Chao adjourned the Regular City Council Meeting.

Minutes prepared by:



Kirsten Squarcia, City Clerk