



**DRAFT MINUTES**  
**CUPERTINO CITY COUNCIL**  
Wednesday, September 6, 2023

**SPECIAL MEETING**

At 6:45 p.m., Mayor Wei 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.

**ROLL CALL**

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

**CLOSED SESSION REPORT** - None

**CEREMONIAL ITEMS**

1. Subject: Proclamation recognizing September as National Suicide Prevention Month  
Recommended Action: Present proclamation recognizing September as National Suicide Prevention Month

Mayor Wei presented the proclamation recognizing September as National Suicide Prevention Month.

**POSTPONEMENTS AND ORDERS OF THE DAY** - None

**ORAL COMMUNICATIONS**

The following people spoke:

Jennifer Griffin discussed Senate Bill 423.

Ed Hirschfield discussed the City's transmission and distribution systems. (Submitted written comments).

Brooke Ezzat discussed City Council communications and actions.

Jacob Sterling Silver, representing PSA SVA Veteran Crisis QRF, discussed crisis support for military and veterans. (Submitted written comments).

Alex Wykoff, representing IFPTE Local 21, discussed the City's labor negotiations.

Rodney Weathers, representing IFPTE Local 21, discussed the City's union contract.

Michael Moore, Operating Engineers Local 3 (OE3) Business Representative, discussed the City's employees.

Roberto Monles discussed the City's worker wages.

Alex Corbalis discussed the City's employee contracts.

Kendra Middleton Williams discussed the City's worker wages.

Gian Martire discussed the City's labor contract.

Sean Filbeck, representing OE3 and IFPTE Local 21, discussed the City's labor contract.

Peggy Griffin discussed Council meeting procedures.

Stanley Young, representing IFPTE Local 21, discussed the City's labor contract.

Joshua Rodriguez, representing South Bay Labor Council, discussed the City's labor contract.

Jeri Bromley, representing IFPTE Local 21, discussed the City's labor contract.

Lisa Warren discussed the City's labor negotiations, the use of budget funds, and City Manager and Attorney performance evaluations.

Rhoda Fry discussed the City's labor negotiations, Lehigh's conditional use permit, the Vallco project, televised meetings, and memorial adjournments.

San R discussed the use of budget funds and City employee wages.

Gauri Chawla discussed wages for City workers.

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**CONSENT CALENDAR (Items 2-5)**

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

Rhoda Fry provided comments on Item 4.

Mayor Wei closed the public comment period.

Mohan moved and Fruen seconded to approve the items on the Consent Calendar, except for Item 2 which was pulled for discussion. Ayes: Wei, Mohan, Chao, Fruen, and Moore. Noes: None. Abstain: None. Absent: None.

Item 2 and was placed after the Action Calendar for consideration.

3. Subject: Approve of the July 25 City Council minutes  
Recommended Action: Approve the July 25 City Council minutes
4. Subject: Ratifying Accounts Payable for the periods ending July 7, 2023; July 14, 2023; July 21, 2023; and July 28, 2023.  
Recommended Action: A. Adopt Resolution No. 23-095 ratifying Accounts Payable for the Period ending July 7, 2023;  
B. Adopt Resolution No. 23-096 ratifying Accounts Payable for the Period ending July 14, 2023;  
C. Adopt Resolution No. 23-097 ratifying Accounts Payable for the Period ending July 21, 2023; and  
D. Adopt Resolution No. 23-098 ratifying Accounts Payable for the Period ending July 28, 2023.

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

5. Subject: Approve a First Amendment to the agreement with NexInite, LLC., to support the functionality of the Capital Improvement Program (CIP) Management Hub.  
Recommended Action: Authorize the City Manager to execute a First Amendment to the agreement with NexInite, LLC., to support the functionality of the Capital Improvement Program (CIP) Management Hub, increasing the not-to-exceed contract amount to \$255,000 and extending the term of the agreement to June 30, 2026.

**PUBLIC HEARINGS - None**

**ACTION CALENDAR**

6. Subject: Enterprise Leadership Assessment Audit Final Report  
Recommended Action: Receive the Enterprise Leadership Assessment Audit Final Report  
Presenter: Kristina Alfaro, Director of Administrative Services

Written communications for this item included a consultant presentation.

Annie Rose Favreau, Senior Manager with Moss Adams, gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin

Peggy Griffin

Lisa Warren

Rhoda Fry

San R

Parks and Recreation Commissioner Jennifer Shearin (representing self)

Mayor Wei closed the public comment period.

Council received the Enterprise Leadership Assessment Audit Final Report.

At 8:35 p.m., Mayor Wei recessed the meeting. The meeting reconvened at 8:40 p.m. with all Councilmembers present.

7. Subject: Review of Councilmember compliance with Municipal Code Chapter 2.17, recommendations in May 2023 Fact Finding Report, and related governance issues  
Recommended Action: Consider findings regarding Councilmember compliance with Municipal Code Chapter 2.17, recommendations in May 2023 Fact Finding Report, and related governance issues, and provide direction on further measures to improve governance practices, as recommended below  
Presenter: Christopher Jensen, City Attorney

Written communications for this item included a staff presentation, emails to Council, and statements from Councilmembers Chao and Moore.

Councilmember Moore stated the basis for her recusal and left the dais.

City Attorney Chris Jensen gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin

Brooke Ezzat (submitted written comments)

Peggy Griffin

Louise Saadati

Aegean Lee (submitted written comments)

Lisa Warren

Rhoda Fry

Tony Guan

Tracy K

San R

Parks and Recreation Commissioner Jennifer Shearin (representing self)

Parks and Recreation Commissioner Sashi Begur (representing self)

Housing Commissioner Tessa Parish (representing self)

Mayor Wei closed the public comment period.

Following Councilmember questions and public comment, Councilmember Chao made a statement announcing that she would abstain from further participation in deliberations and left the dais.

At 10:06 p.m., Mayor Wei recessed the meeting. The meeting reconvened at 10:12 p.m. with Councilmembers Chao and Moore absent.

Fruen moved and Wei seconded that Council adopt the staff recommendation with the following changes:

1. That all five councilmembers attend additional training on Council governance, Rosenberg's Rules of Order, and the topic of effective collaboration between staff and councilmembers and among councilmembers; and
2. That as a condition of successfully completing the actions described in (1) above, that all restoration of council committee assignments be considered as part the annual appointment of councilmembers to committees incident to the council reorganization set to occur in December 2023.

Wei made a friendly amendment to restore all committee assignments immediately with a condition that training must be completed, or all committee assignments will be removed again. (Fruen declined Wei's friendly amendment).

Wei made a second friendly amendment that: 1) all councilmembers attend additional training, and 2) as soon as they have attended the training, then all committee assignments will be restored. (Fruen accepted Wei's second friendly amendment).

At 10:18 p.m., Mayor Wei recessed the meeting. The meeting reconvened at 10:21 p.m. with Councilmembers Moore and Chao absent.

Final Motion:

Mohan moved and Wei seconded a substitute motion that Council adopt the staff recommendation with the following changes:

1. That all five councilmembers attend additional training on Council governance, Rosenberg's Rules of Order, and the topic of effective collaboration between staff and councilmembers and among councilmembers; and
2. That as a condition of fully attending the trainings described in (1) above, all council committee assignments will be restored.

The substitute motion carried unanimously with Chao absent (abstaining) and Moore absent (recusing).

Councilmembers Chao and Moore returned to the dais.

8. Subject: Revisions to Cupertino City Council Procedures Manual  
Recommended Action: Provide input regarding revisions to Cupertino City Council Procedures Manual  
Presenter: Christopher Jensen, City Attorney

Written communications for this item included a staff presentation and written comments from Councilmember Moore.

City Attorney Chris Jensen gave a presentation.

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

Jennifer Griffin

Peggy Griffin (submitted written comments)

Louse Saadati

Lisa Warren

Rhoda Fry

Parks and Recreation Commissioner Jennifer Shearin (representing self)

San R

Mayor Wei closed the public comment period.

Fruen moved and Mohan seconded to extend the meeting to 11:20 p.m. to continue discussion on this item. The motion carried unanimously.

Chao moved and Moore seconded to table this item for 6 months. The motion carried with Fruen and Wei voting no.

## **ADJOURNMENT**

At 11:06 p.m., Mayor Wei adjourned the Special City Council Meeting per rule. There was no Council discussion on the remaining agenda items.

## **ITEMS REMOVED FROM THE CONSENT CALENDAR**

The following items were pulled from the Consent Calendar and placed after the Action Calendar for discussion.

2.     Subject: Approve the July 18 City Council minutes  
          Recommended Action: Approve the July 18 City Council minutes

This item was pulled from the Consent Calendar for discussion and later continued to the September 19 City Council meeting per rule.

## **COUNCIL REPORTS AND COMMENTS**

9.     Subject: Councilmember Reports

Written communications for this item included a supplemental report from Vice Mayor Mohan and desk item report from Councilmember Moore.

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

## **CITY MANAGER REPORT**

Council did not hear this item.

## **ORAL COMMUNICATIONS - CONTINUED – None**

## **INFORMATIONAL ITEMS**

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10. Subject: Update on renewed Friendship City Organizations  
Recommended Action: Receive update on renewed Friendship City Organizations

The Update on renewed Friendship City Organizations was provided as part of the published agenda.

11. Subject: Receive the Treasurer's Investment Report for the Quarter Ending June 30, 2023  
Recommended Action: Receive the Treasurer's Investment Report for the Quarter Ending June 30, 2023

The Treasurer's Investment Report for the Quarter Ending June 30, 2023 was provided as part of the published agenda.

12. Subject: Receive the Monthly Treasurer's Report for July 2023  
Recommended Action: Receive the Monthly Treasurer's Report for July 2023

The Monthly Treasurer's Report for July 2023 was provided as part of the published agenda.

13. Subject: Receive the Monthly Treasurer's Investment Report for July 2023  
Recommended Action: Receive the Monthly Treasurer's Investment Report for July 2023

The Monthly Treasurer's Investment Report for July 2023 was provided as part of the published agenda.

## **COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS**

Council did not hear this item.

Minutes prepared by:

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Kirsten Squarcia, City Clerk