

CC 02-04-2025

Oral  
Communications

Written Communications

**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Cc:** [Sudhakar Reddy](#)  
**Subject:** Fw: Urgent Concern: Preservation of Street Parking on Mary Ave  
**Date:** Tuesday, February 4, 2025 12:15:34 PM

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**Dear Resident,**

Thank you for reaching out with your comments.

Due to a change in the implementation of how written communication is collected for the upcoming council meeting, your email will not be included in the official record unless a councilmember forwards it to the City Clerk.

**Dear City Clerk,**

Please enter the enclosed communication as written communication for the upcoming council meeting from a councilmember, per CMC 2.08.100.

I am submitting this comment at the request of my constituents to ensure that community voices are included in written communications of council meetings as requested, rather than at the discretion of councilmembers, which might inadvertently leave out some minority voices.

Thank you for your attention to this matter.

Regards,

Liang

~ Cupertino City Council (elected in 2018, re-elected in 2022)



**From:** Sudhakar Reddy <sreddy007@yahoo.com>

**Sent:** Tuesday, February 4, 2025 11:46 AM

**To:** Luke Connolly <LukeC@cupertino.gov>; Piu Ghosh (she/her) <Piug@cupertino.gov>; Pamela Wu <PamelaW@cupertino.org>; City Council <citycouncil@cupertino.gov>; City Clerk <cityclerk@cupertino.gov>

**Subject:** Urgent Concern: Preservation of Street Parking on Mary Ave

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communications for the 02/04/25 city council meeting.

Subject: Urgent Concern: Preservation of Street Parking on Mary Ave

Dear Mayor Chao, Cupertino City Council, and City Planning Staff,

I am writing to express my grave concern regarding the proposed removal of street parking on both the east and west sides of Mary Avenue north of Stevens Creek Boulevard as part of the Mary Ave Villas project. The elimination of nearly 80 - 100 street parking spaces will have significant negative impacts on park access, nearby residents, and the senior center. I urge the city to reject the current project application and require a revised proposal that preserves existing street parking capacity.

1. Memorial Park Access: Memorial Park is one of Cupertino's most popular community parks, attracting residents of all ages for recreational activities, events, and gatherings. Parking within the park is extremely limited, forcing many visitors to rely on street parking along Mary Avenue. This issue is further compounded by the fact that Christiansen Drive prohibits street parking due to permit restrictions, leaving Mary Avenue as the primary option for overflow parking. Removing street parking will severely impact park accessibility, particularly during peak usage times.

2. Residential Overflow Parking Needs: The surrounding area includes a large number of housing units, including Arroyo Village and Glenbrook Apartments, where many residents depend on Mary Avenue for overflow parking. With limited on-site parking, these residents rely on available street parking, and its removal will create unnecessary hardship for them.

3. Impact on the Senior Center: The Cupertino Senior Center provides essential services and activities for older adults, many of whom have mobility challenges. If street parking is eliminated on Mary Avenue, displaced vehicles will likely shift to the senior center parking lot, reducing availability for seniors who cannot park far away and walk long distances. This would be an unacceptable burden on a vulnerable population that depends on accessible parking.

Given these critical concerns, I urge the City Council and Planning Staff to reject the current Mary Ave Villas project application and require a revised proposal that retains the full existing street parking capacity on Mary Avenue. The needs of park patrons, nearby residents, and senior center visitors must be prioritized over a development that disregards essential community parking needs.

I appreciate your attention to this matter and look forward to your response.

Sincerely,  
Pannala Sudhakar Reddy  
10419 Mary Avenue, Cupertino Resident

**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Cc:** [Duleep Pillai](#)  
**Subject:** Fw: Urgent Action Needed: Protect Street Parking on Mary Ave  
**Date:** Tuesday, February 4, 2025 10:26:28 AM

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**Dear Resident,**

Thank you for reaching out with your comments.

Due to a change in the implementation of how written communication is collected for the upcoming council meeting, your email will not be included in the official record unless a councilmember forwards it to the City Clerk.

**Dear City Clerk,**

Please enter the enclosed communication as written communication for the upcoming council meeting from a councilmember, per CMC 2.08.100.

I am submitting this comment at the request of my constituents to ensure that community voices are included in written communications of council meetings as requested, rather than at the discretion of councilmembers, which might inadvertently leave out some minority voices.

Thank you for your attention to this matter.

Regards,

Liang

~ Cupertino City Council (elected in 2018, re-elected in 2022)



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**From:** Duleep Pillai <duleep.pillai@gmail.com>

**Sent:** Tuesday, February 4, 2025 10:07 AM

**To:** Luke Connolly <LukeC@cupertino.gov>; Piu Ghosh (she/her) <Piug@cupertino.gov>; Pamela Wu <PamelaW@cupertino.org>; City Council <citycouncil@cupertino.gov>; City Clerk <cityclerk@cupertino.gov>; City Clerk <cityclerk@cupertino.org>

**Subject:** Urgent Action Needed: Protect Street Parking on Mary Ave

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please ensure the following letter is included in written communications for the **February 4, 2025, City Council meeting**.

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**Dear Mayor Chao, Cupertino City Council, and City Planning Staff,**

I am writing to strongly urge you to **reject** the proposed removal of nearly **80 to 100 street parking spaces** on **both** sides of Mary Avenue north of Stevens Creek Boulevard as part of the Mary Ave Villas project. This change will have **serious negative consequences** for our community, including restricted access to **Memorial Park, nearby residences, and the Cupertino Senior Center**.

Eliminating these parking spaces without a viable alternative will **harm residents, park goers, and seniors who rely on this critical infrastructure**. I ask that the City Council **deny the current project application** and require a **revised plan** that preserves existing street parking.

### **Key Concerns:**

- 1. Severely Reduced Access to Memorial Park**

Memorial Park is one of Cupertino's most cherished public spaces, used by families, event goers, and recreation enthusiasts. With **limited on-site parking**, street parking on Mary Avenue is **essential** for visitors. Christiansen Drive already prohibits parking, making Mary Avenue the **only** overflow option. **Removing these spaces will drastically impact park accessibility, especially during peak hours.**

- 2. Major Hardships for Nearby Residents**

Residents of **Casa De Anza, Arroyo Village, Glenbrook Apartments, and surrounding homes** depend on Mary Avenue for overflow parking. Many of these households already **struggle with limited on-site parking**, and eliminating street parking would force them into a **stressful, unnecessary hardship**.

- 3. Serious Consequences for Senior Center Visitors**

The Cupertino Senior Center serves older adults, many of whom **have mobility challenges and rely on nearby parking**. If street parking is eliminated, displaced cars will likely **take over the senior center lot, leaving vulnerable seniors without accessible spaces**. This would be an **unacceptable burden** on a population that needs easy access to critical services.

### **Call to Action:**

The City must **prioritize community needs** over a development project that disregards

essential parking access. I urge the City Council and Planning Staff to:

- **Reject the current Mary Ave Villas project application.**
- **Require a revised proposal that fully retains** existing street parking on Mary Avenue.

The well-being of our **park visitors, residents, and seniors must come first.** Please protect our city's accessibility and reject this harmful parking removal plan.

I appreciate your attention to this urgent matter and look forward to your response.

Sincerely,

Duleep Pillai

10337 Mary Ave

**From:** [Liang Chao](#)  
**To:** [City Clerk](#); [manju lnu](#)  
**Subject:** Fw: Urgent Concern: Mary Avenue villa project  
**Date:** Monday, February 3, 2025 11:02:48 PM

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**Dear Resident,**

Thank you for reaching out with your comments.

Due to a change in the implementation of how written communication is collected for the upcoming council meeting, your email will not be included in the official record unless a councilmember forwards it to the City Clerk.

**Dear City Clerk,**

Please enter the enclosed communication as written communication for the upcoming council meeting from a councilmember, per CMC 2.08.100.

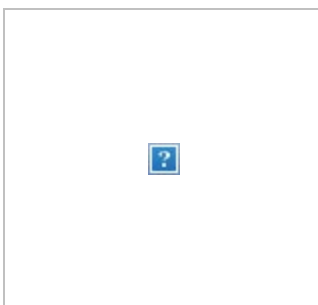
I am submitting this comment at the request of my constituents to ensure that community voices are included in written communications of council meetings as requested, rather than at the discretion of councilmembers, which might inadvertently leave out some minority voices.

Thank you for your attention to this matter.

Regards,

Liang

~ Cupertino City Council (elected in 2018, re-elected in 2022)



**Liang Chao**

Mayor  
City Council  
[LChao@cupertino.gov](mailto:LChao@cupertino.gov)  
408-777-3192



**From:** manju lnu <manju.lnu@gmail.com>

**Sent:** Monday, February 3, 2025 8:54 PM

**To:** Luke Connolly <LukeC@cupertino.gov>; Piu Ghosh (she/her) <Piug@cupertino.gov>; Pamela Wu <PamelaW@cupertino.gov>; City Council <citycouncil@cupertino.gov>; City Clerk <cityclerk@cupertino.gov>

**Subject:** Urgent Concern: Mary Avenue villa project

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Chao, Cupertino City Council, and City Planning Staff,

I am writing to express my grave concern regarding the Mary Ave villas project.

1. This project introduces a **very high density housing** project at a location that is already crowded by the large Arroyo project and Apartments and Townhomes. It is appalling to the residents that a very thin strip of land along highway sound wall is approved as an **R4** zone to build housing for people with disabilities. By looking at Cupertino city map, this is the **only** Very High Density housing in Cupertino apart from the Vallco mall area.
2. In the community info meeting held about this project a week ago, the Builder and the City representatives said there has been **no traffic pattern study** done. The project will make the Mary Avenue which is used by a lot of bikers and students very narrow and crowded and prone to traffic accidents.
3. The proposed project is very next to the highway sound wall (less than 10 feet from the wall) and will not provide quiet enjoyment for the future residents with Intellectual and Developmental disabilities. Due to close proximity to the highway, **the air quality in the proposed housing** area will also be very poor.
4. The project **removes 100+ street parking spaces** on Mary Avenue that are frequently used by memorial park visitors and the nearby communities. Note that the sprawling Memorial park has very few parking spaces, and this elimination of street parking will be hard felt by the residents who frequent this area.

Given these critical concerns, I urge the City Council and Planning Staff to reject the current Mary Ave Villas project application and convert the site from R4 zoning back to its original zoning status.

I appreciate your attention to this matter and look forward to your response.

Sincerely,  
Manju Gopal  
Cupertino Resident



**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Cc:** [Pandurangan Senthil](#)  
**Subject:** Fw: Urgent Concern: Preservation of Street Parking on Mary Ave  
**Date:** Monday, February 3, 2025 10:54:23 PM

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**Dear Resident,**

Thank you for reaching out with your comments.

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**Dear City Clerk,**

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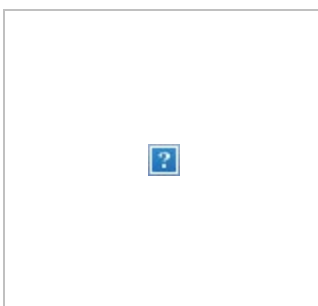
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Thank you for your attention to this matter.

Regards,

Liang

~ Cupertino City Council (elected in 2018, re-elected in 2022)



**Liang Chao**

Mayor  
City Council  
LChao@cupertino.gov  
408-777-3192



**From:** Pandurangan Senthil <psenthil@gmail.com>

**Sent:** Monday, February 3, 2025 10:20 PM

**To:** Luke Connolly <LukeC@cupertino.gov>; Piu Ghosh (she/her) <Piug@cupertino.gov>; Pamela Wu <PamelaW@cupertino.org>; City Council <citycouncil@cupertino.gov>; City Clerk <cityclerk@cupertino.gov>

**Subject:** Urgent Concern: Preservation of Street Parking on Mary Ave

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Dear Mayor Chao, Cupertino City Council, and City Planning Staff,

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1. Memorial Park Access: Memorial Park is one of Cupertino's most popular community parks, attracting residents of all ages for recreational activities, events, and gatherings. Parking within the park is extremely limited, forcing many visitors to rely on street parking along Mary Avenue. This issue is further compounded by the fact that Christiansen Drive prohibits street parking due to permit restrictions, leaving Mary Avenue as the primary option for overflow parking. Removing street parking will severely impact park accessibility, particularly during peak usage times.

2. Residential Overflow Parking Needs: The surrounding area includes a large number of housing units, including Arroyo Village and Glenbrook Apartments, where many residents depend on Mary Avenue for overflow parking. With limited on-site parking, these residents rely on available street parking, and its removal will create unnecessary hardship for them.

3. Impact on the Senior Center: The Cupertino Senior Center provides essential services and activities for older adults, many of whom have mobility challenges. If street parking is eliminated on Mary Avenue, displaced vehicles will likely shift to the senior center parking lot, reducing availability for seniors who cannot park far away and walk long distances. This would be an unacceptable burden on a vulnerable population that depends on accessible parking.

Given these critical concerns, I urge the City Council and Planning Staff to reject the current Mary Ave Villas project application and require a revised proposal that retains the full existing street parking capacity on Mary Avenue. The needs of park patrons, nearby residents, and senior center visitors must be prioritized over a development that disregards essential community parking needs.

I appreciate your attention to this matter and look forward to your response.

**Sincerely,  
Senthil Pandurangan  
Cupertino Resident**

**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Cc:** [Mahesh Gurikar](#)  
**Subject:** Fw: New Construction on Mary Avenue  
**Date:** Tuesday, February 4, 2025 5:28:12 PM

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**Dear Resident,**

Thank you for reaching out with your comments.

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**Dear City Clerk,**

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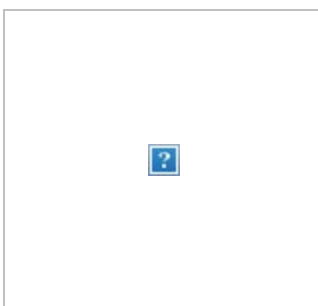
I am submitting this comment at the request of my constituents to ensure that community voices are included in written communications of council meetings as requested, rather than at the discretion of councilmembers, which might inadvertently leave out some minority voices.

Thank you for your attention to this matter.

Regards,

Liang

~ Cupertino City Council (elected in 2018, re-elected in 2022)



**Liang Chao**

Mayor  
City Council  
LChao@cupertino.gov  
408-777-3192



**From:** Mahesh Gurikar <mgurikar@yahoo.com>

**Sent:** Tuesday, February 4, 2025 5:15 PM

**To:** Liang Chao <LiangChao@cupertino.gov>; Kitty Moore <KMoore@cupertino.gov>; J.R. Fruen <JRFruen@cupertino.gov>; Sheila Mohan <SMohan@cupertino.gov>; R "Ray" Wang <RWang@cupertino.gov>; Debra Nascimento <Debran@cupertino.gov>

**Subject:** New Construction on Mary Avenue

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

I am resident of Cupertino for almost 40 years.

I am writing this to protest the plan to build new housing on west side of Mary Avenue along Highway 85.

Mary Avenue has already been modified from its original configuration to accommodate bike lanes with buffer zones. Now the developer wants take away many parking spaces and squeeze in new housing. This will make the parking situation worse on Mary Avenue. During various events held in Memorial Park both residents of the city and non-residents come to the events. We need parking for them.

Affordable housing is needed all over Bay Area and should be built. The new development in old Oaks shopping area was supposed to have affordable housing. I am not sure how many affordable units were built there.

Please find another city owned or privately owned parcel of land for the proposed affordable housing (may be as apart of Vallco development). But do not permit any reconfiguration to existing Mary Avenue.

Thank you,

Mahesh Gurikar  
10486 Anson Ave  
Cupertino, CA

CC 02-04-2025

Item No. 5

Tyler New World  
Enterprise Resource  
Planning Replacement

Written Communications

**From:** [Peggy Griffin](#)  
**To:** [City Council](#); [Kristina Alfaro](#)  
**Cc:** [City Clerk](#)  
**Subject:** 2025-02-04 City Council Meeting - PULL CONSENT ITEM 5 - \$4.4M for ERP  
**Date:** Monday, February 3, 2025 12:35:03 AM  
**Attachments:** [image002.png](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Chao, Vice Mayor Moore, Councilmembers and Staff,

Please PULL CONSENT ITEM 5. This is a \$4.4M project that appears to be asking to spend far more than what was found to be needed!

There are several items in the Staff Report that concern me:

Phase I which was completed was the ERP Needs Assessment of the City  
This indicated a level between Tier 1 and Tier 2 yet the request is to go “high-end Tier 2”.  
This is asking for far more than what is needed.

Q1: What were the ERP needs that were found to be needed?

Q2: Can you specify what is in Tier 1 and Tier 2 and what is “high-end Tier 2”?

Also, the Staff Report states that this project was put on hold due to the budget crisis but now that we have money we can spend it!

Q3: By “sufficient savings” is the Staff referring to using a portion of the \$64.5M in 1-time funds that have not been allocated yet?

Q4: If not, where are the “sufficient savings” coming from?

- Phase I: ERP Needs Assessment of the City
- Phase II: Request for Proposal (RFP) Development and Selection Assistance
- Phase III: Implementation Project Management Services

The City of Cupertino engaged Plante & Moran LLP in February 2023 to conduct Phase 1 of the needs analysis, which was successfully completed. However, the project was unexpectedly paused due to the City's budget crisis. Despite this, sufficient savings are available to resume Phase II & phase III, provided the Council approves staff's recommendation to move forward with the ERP replacement project.

Plante Moran's initial needs assessment evaluated Cupertino's requirements and determined that the appropriate ERP solution falls within the Tier 1 or Tier 2 range. We are proceeding with the high-end Tier 2 scenario to ensure sufficient funding to cover potential costs.

Sincerely,  
Peggy Griffin

**From:** [Peggy Griffin](#)  
**To:** [City Council](#); [Teri Gerhardt, CGCIO](#)  
**Cc:** [City Clerk](#)  
**Subject:** 2025-02-04 City Council Meeting - PULL CONSENT ITEM 5 - \$4.4M for ERP - TOTAL COST  
**Date:** Tuesday, February 4, 2025 12:03:17 PM  
**Attachments:** [image001.png](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Chao, Vice Mayor Moore, Councilmembers and Staff,

I am still requesting that this ITEM 5 be PULLED.

I was asked where I got \$4.4M for the ERP when the Staff Report is asking for approval for \$3,744,526 (\$3.7M). Here is my math:

\$3,744,526 for ERP system (high-end Tier 2)  
+ \$ 667,058 annual on-going costs  
= \$4,411,584 TOTAL

From the Staff Report it is not clear if the on-going costs of \$667,058 is for a subscription or employee support or what. It is also not clear if approving this ERP means also approving an annual budget item for the on-going costs.

Q1: What does the \$667,058 annual costs cover?

Q2: What does it cost currently for our ERP system annually?

Q3: Why was the \$667,058 on-going costs not included as part of this approval?

#### Fiscal Impact

The proposed budget adjustment will provide funding to move forward with the ERP replacement. If Budget Modification Number 2425-380 is approved, increased one-time appropriations of \$3,744,526, plus \$667,058 in ongoing costs allocated in 100-32-308 600-606.

Sincerely,  
Peggy Griffin



**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** Feb 4 Agneda #4 ERP - that seems like a lot of money  
**Date:** Tuesday, February 4, 2025 6:25:32 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Feb 4 Agneda #4 ERP - that seems like a lot of money for ERP.  
Is there a less costly alternative?

CC 02-04-2025

Item No. 6

City Bridge  
Preventative  
Maintenance Project

Written Communications

**From:** [Peggy Griffin](#)  
**To:** [Chad Mosley](#)  
**Cc:** [City Clerk](#); [City Council](#)  
**Subject:** 2025-02-04 City Council Meeting - ITEM 6 CONSENT Bridge Maintenance Contract  
**Date:** Monday, February 3, 2025 12:09:44 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Hi Chad,

I have several questions regarding this agenda item.

From the Staff Report for this item it appears that there are 6 bridges that will be repaired and they are:

Maintenance on 6 bridges - no description of what is to be done

1. Stevens Creek at Homestead Road
2. Stevens Creek at Stevens Creek Blvd
3. Stevens Creek at McClellan Road
4. Calabazas Creek at Stevens Creek Blvd
5. Calabazas Creek at Miller Avenue
6. Calabazas Creek at Tantau

Q1: Is the list above correct?

Q2: Can you provide a short description of what will be done to each bridge?

The Staff Report indicates that work would be completed by July 2025, 6 months from now.

Q3: Is this correct?

Q4: Will the road be closed completely at any time during repairs?

Q5: You are requesting to increase expenditure appropriations in the budget by \$1.176,105. Where will this money come from before it is reimbursed?

Thank you,  
Peggy Griffin

**From:** [Santosh Rao](#)  
**To:** [City Council](#); [Chad Mosley](#); [Pamela Wu](#); [City Clerk](#)  
**Subject:** Please do not pull agenda item 6 from consent calendar. Please approve agenda item 6.  
**Date:** Tuesday, February 4, 2025 1:37:08 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communications.

Dear Mayor Chao, City Council members,

Disclosure: I am an incoming planning commissioner but writing and speaking on my own behalf only as a resident.

I am writing to express my support for agenda item 6 involving the city bridge preventive maintenance grant acceptance and budget modification.

It is critical that the city prioritize and fund maintenance and repair of our critical infrastructure.

Critical infrastructure like bridge maintenance and repair should be top of our funding priorities.

We need to make deep cuts in other non-essential areas like road lane reductions, intersection changes, bike lanes, solar panels, recycle water plants and other non-essential items that appear as if they are critical infrastructure. These are not critical infrastructure. These projects need deep cuts.

That said maintaining and repairing our bridges, roads are critical. Please prioritize and fund these.

Please do not pull item 6 from consent. Please approve item 6 on consent calendar.

Thank you.

Thanks,  
San Rao

**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** feb 4 agenda #6 bridge project  
**Date:** Tuesday, February 4, 2025 6:28:12 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

feb 4 agenda #6 bridge project

Is the city guaranteed the grants from the federal government?

Are some bridges more urgent than others?

CC 02-04-2025

Item No. 8

Future Agenda Items  
(TBD List)

Written Communications

**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Subject:** Policy consideration to address the gap in approval process for bike path projects, which affect vehicular flows  
**Date:** Monday, February 3, 2025 10:40:17 AM

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**Please include this in the written communication for the 2/4 council meeting.**

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**From:** Liang Chao <[LChao@cupertino.gov](mailto:LChao@cupertino.gov)>  
**Sent:** Thursday, January 30, 2025 12:31 AM  
**To:** Christopher Jensen <[ChristopherJ@cupertino.gov](mailto:ChristopherJ@cupertino.gov)>  
**Cc:** Chad Mosley <[ChadM@cupertino.gov](mailto:ChadM@cupertino.gov)>; Pamela Wu <[PamelaW@cupertino.gov](mailto:PamelaW@cupertino.gov)>  
**Subject:** Policy consideration to address the gap in approval process for bike path projects, which affect vehicular flows

(Changed the subject to reflect the content of this email thread, where I wish to consider policy changes to address the gap in approval process for bike path projects, which affect vehicular flows.)

Here is an example of a project from Palo Alto, where they intends to change the intersection of San Antoino and Charleston Road to improve pedestrian safety.

They had 4 community meetings and then presented 4 concept idea options first to the Planning and Transportation Commission and then the City Council and recommended one of the 4 options. In the staff report, the impact to vehicular traffic is analyzed.

Where can I find any traffic analysis on the impact to vehicular traffic to the intersection of Stevens Creek and De Anza Blvd, likely the most congested intersection in Cupertino>  
Where can I find any community meetings held where options were proposed and evaluated so that we can meet the needs of all stakeholders?

I don't think our current process include these essential components to a successful project for a public agency. Thus, there is a gap in our approval process when a project is classified as a "bike path project", which also includes changes to intersection and signaling for vehicular traffic.

The role of the Council has been to just approve the funding, with a one paragraph description of the CIP project. Then, the Council is supposed to just approve the construction contract without ever seeing the design or providing any input on the design options, it seems.

Thus, it seems there is something missing in this kind of approval process, especially when a project is not a simple bike path project, which has no impact on other users of the road.

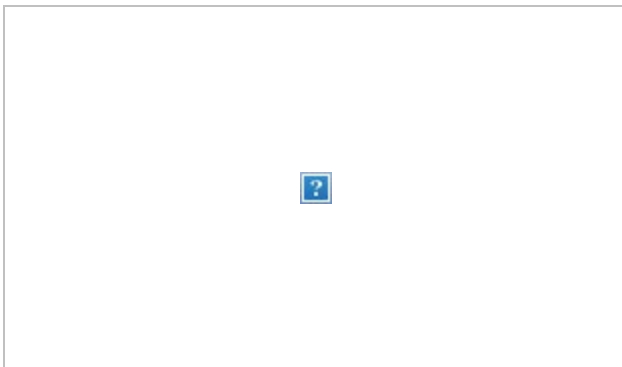
Thank you,

Liang

=====

<https://www.cityofpaloalto.org/Departments/Transportation/Transportation-Projects/San-Antonio-RoadCharleston-Road-Intersection-Improvements-Project>

"City Staff conducted **four community meetings in 2018 and 2019 and presented four concept ideas**. Based on the feedback received at these meetings, staff further evaluated concept idea D **to develop a recommendation for Planning and Transportation Commission and City Council approval**. City Council reviewed and **approved the preferred alternative concept plan** at its meeting on February 10, 2020. Staff is currently working to complete final design plans, environmental analysis, specifications and estimates for construction."



The [staff report to the City Council](#), when the 4 options were presented, states

"Both San Antonio Road and East Charleston Road are classified as arterial streets, and their junction is a major signalized intersection within the City of Palo Alto. For the purposes of this report, San Antonio Road runs north-south, and East Charleston runs east-west. A frontage road exists parallel to San Antonio Road on the west side that provides access to Fabian Way, to the 76 gas station, and to residents and businesses on the northwest quadrant of this intersection.

This intersection provides a direct connection to the US 101 Freeway, the Jewish Community Center, Space Systems Loral, and the City of Mountain View. It has been identified as an intersection of concern due to complaints related to traffic congestion and pedestrian safety. Comprehensive Plan Goal T-2, concerning Traffic Delay and Congestion, states "Decrease



delay, congestion and VMT with a priority on our worst intersections and our peak commute times, including school traffic.”

**About 4,000 motor vehicles and 20 bicycles travel through this intersection during the one-hour morning peak on a typical weekday. This intersection currently operates at a motor vehicle Level of Service C during the morning peak-hour and Level of Service D during the evening peak-hour** but will sometimes exceed its practical capacity when surges of traffic from multiple directions occur simultaneously. Level of Service D can be described as approaching unstable flow of traffic and occasionally waiting through more than one signal cycle before proceeding.

San Antonio Road and Charleston Road are designated **as a future enhanced bikeway in the Bicycle and Pedestrian Transportation Plan (2012)** in the vicinity of this intersection. In November 2017, City staff began collecting and analyzing comprehensive traffic volume, speed and collision data.

In April 2018, staff hosted the first community meeting where community members and stakeholders provided input on project goals and helped identify issues and opportunities. Subsequent community meetings were held to discuss and present revised alternative concept ideas for the intersection. Staff received many constructive comments from the community. Most were related to specific pedestrian improvements, overall traffic safety, parking concerns, and maintaining or improving the current vehicle operations. With input from stakeholders and evaluation by the consulting team, two alternative concept plans were developed.



---

**From:** Liang Chao <[LChao@cupertino.gov](mailto:LChao@cupertino.gov)>

**Sent:** Monday, January 27, 2025 5:35 PM

**To:** Pamela Wu <[PamelaW@cupertino.gov](mailto:PamelaW@cupertino.gov)>; Christopher Jensen <[ChristopherJ@cupertino.gov](mailto:ChristopherJ@cupertino.gov)>

**Cc:** Chad Mosley <[ChadM@cupertino.gov](mailto:ChadM@cupertino.gov)>; Serena Tu <[SerenaT@cupertino.gov](mailto:SerenaT@cupertino.gov)>

**Subject:** Re: Items for the 2/18 agenda

My request is for the City attorney to suggest a policy proposal to resolve the gap we currently have where the design of a Bike path project was never put on any public meeting agenda for approval, either by a commission nor a council.

I respectfully am asking this question at the policy level.

I hope that the city attorney can provide a policy level suggestion for this issue.

As a policy maker, when I see a deficiency in the current policy, my role is to think about a way to improve the current policy so that the staff, with the leadership of the city manager can follow.

I do not think it is prudent to allocate funding to a project and then approve the contract of a project when the council and the public have no idea on what's in the project, since it was not ever approved at any public meeting.

The cost of a project could vary a lot depending on what options are used to implement it, especially for bike path projects.

I'm looking for an improve policy to allow more transparency and accountability into the current process.

Thus, I welcome any policy-level suggestions.

Thank you for your help in my attempt to improve the process so that the public don't always react only after a contract is approved or after a project has been implemented.

Regards,

Liang

	<b>Liang Chao</b>
	Mayor
	City Council
	<a href="mailto:LChao@cupertino.gov">LChao@cupertino.gov</a>
	408-777-3192
	      

---

**From:** Liang Chao <[LChao@cupertino.gov](mailto:LChao@cupertino.gov)>

**Sent:** Monday, January 27, 2025 3:49 PM

**To:** Christopher Jensen <[ChristopherJ@cupertino.gov](mailto:ChristopherJ@cupertino.gov)>

**Cc:** Pamela Wu <[PamelaW@cupertino.gov](mailto:PamelaW@cupertino.gov)>; Chad Mosley <[ChadM@cupertino.gov](mailto:ChadM@cupertino.gov)>

**Subject:** Re: Items for the 2/18 agenda

As I've explained to Pamela this morning, I realized there is gap in our approval process for bike path projects that have impact on vehicular flow.

When a project is added to the CIP list, the project is funded. But that does not mean every aspect of the project is already approved by the Council.

A bike path project like Stevens Creek Blvd would first have the design, which is "reviewed" by the Bike Ped Commission, but the commission does not actually approve the design. Plus, the design being review is never put on the meeting agenda of the Bike Ped Commission and it is not posted on the Bike projects page. Thus, except a handful of people, who tend to be bike enthusiasts on the Bike Ped Commission, no one else had even SEEN the design or is given any access at all since the design is not posted any where.

Then, the contract comes T the council, but the agenda item material does not include any design document. The Council is asked to approve the contract on a bike path project that they have no idea, except that it's Class IV bike path and there is some intersection improvements.

Whether the separator is concrete or bollards? What changes aew there for the intersection? What's the effect on the vehicular flow?

None of those are in the agena packet since the design is "seemed approved". But by whom?

There are many options for a bike path design and even more options for the intersection designs. The impact of each design on safety and vehicular flow are all different. The price tags are also different.

Now that we are facing structural deficit for the foreseeable future, we cannot afford to always take the most expensive (maybe safest option) so we can improve the safety only for a small section of the road.

So, there is a gap in how the bike Ped projects are approved in Cupertino. The vast majority of people who will get impacted by those projects would never ever see the design thst will

impact them, unless they happen to attend the one Bike Ped Commission meeting in person.

Thus, I hope to fix that gap in the approval process.

What do you suggest?

Thanks!

Liang



**Liang Chao**  
Mayor  
City Council  
[LChao@cupertino.gov](mailto:LChao@cupertino.gov)  
408-777-3192



---



**Liang Chao**  
Mayor  
City Council  
LChao@cupertino.gov  
408-777-3192



**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Subject:** Fw: [Agenda] Plan for future agenda items  
**Date:** Sunday, February 2, 2025 10:30:13 AM

---

City Clerk,

Please enter this into the written communication for the TBD list item on the 2/4 council agenda.



---

**From:** Liang Chao <LChao@cupertino.gov>  
**Sent:** Tuesday, January 28, 2025 5:32 PM  
**To:** Pamela Wu <PamelaW@cupertino.gov>; Christopher Jensen <ChristopherJ@cupertino.gov>  
**Subject:** [Agenda] Plan for future agenda items

To help me find emails related to agenda setting, I have added "[Agenda]" to the subject line.

The email below was sent to both of you on 12/19/2024.

I laid out what I have in mind so that we can plan ahead. And in case any items require more information from me, I could provide them ahead of time.

Of course, I do need your advice on how to proceed with them while complying with the Muni Code and Council Procedures manual.

I am thankful that Pamela did put the #1 "Update Sister City Policy" on the draft agenda for 1/22 at first, which I have removed since I need to think more about it.

I am thankful that Pamela did put the "review commission/committees" item on the draft 2/4 agenda, which led me to think that the staff is working on that item.

However, I was told this morning that the "review commission/committees" item is not ready yet, since the staff report is not ready yet.

Perhaps, I misheard. I thought I heard that the city attorney is the responsible staff for this item? Thus, I sent an email to the city attorney this morning about that.

To reduce confusion like this, it might be helpful to let me know what's a better way to plan these items. I wish that I could have been given a heads up on what items will likely not be ready. And what information I can provide to help facilitate efficient agenda preparation.

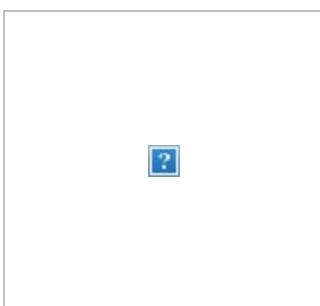
Here are the items that I hope to see on the 2/18 agenda:

- An action item to re-enact the Economic Development Committee and the Legislative Action Committee with the original Muni Code, before they were removed in early 2023.
- Study session on the roles and responsibilities of committee/commission to consider:
  - Update the Responsibility for Planning Commission to add transportation and small cell
  - Update the Audit Committee responsibilities to restore previous responsibility for oversight
- Action item to put City Hall Renovation and City Hall Annex to the FY 2025-26 CIP list
  - As I understand, a version of this item was coming to the Council agenda last November.
  - We can have an update of the work done last year in the public-private partnership, interim city hall purchase, etc.

Thank you in advance for your assistance and advise on how to proceed smoothly.

Regards,

Liang



**Liang Chao**

Mayor

City Council

LChao@cupertino.gov

408-777-3192



---

**From:** Liang Chao <LChao@cupertino.gov>

**Sent:** Thursday, December 19, 2024 9:16 AM

**To:** Pamela Wu <PamelaW@cupertino.gov>; Christopher Jensen <ChristopherJ@cupertino.gov>

**Subject:** Proposed Agenda Items for 11/22 Council meeting

I thought that we'll have another 1:1 today, which was originally scheduled to answer a list of questions that I have sent. And also any follow-up from the 12/17 meeting.

And I had hoped to take the time to discuss upcoming agenda items for the 1/22 Council meeting.

But I did not see it in the calendar.

Here are the items that I have in mind for your consideration. I have put in my estimate for staff work and council discussion time.

1. (small) Update Sister City Policy - simple update to clarify that any staff travel to join international delegation requires prior council approval
2. (small) Update the Audit Committee responsibilities - simple update to restore previous responsibilities to provide better oversight
3. (small) Economic Develop Commission - The Muni Code was already adopted back in 2022 and interviews were already complete, but it was removed in early 2022.
4. (small) Legislative Review Committee - This is a long-standing sub-committee of the City Council, which existed before I joined the Council. Given that the state laws significantly affected the city's local planning in recent years, we need to reactivate the Legislative Review Committee to be more responsive to any proposed bills.
5. (moderate) Update the Responsibility for Planning Commission to add transportation and small cell - to fill in some holes that we've seen in the recent years so that we involve the public more in decision making
6. (small) City Hall Renovation and City Hall Annex add to the FY 2025-26 CIP list => Add them to the CIP list, as the Council did in late 2022 for City Hall Renovation and early 2022 for City Hall Annex
7. (moderate to large) Council Procedures Manual update
8. (moderate to large) Work Program Prioritization

The items I hope to place on the 1/22 Council agenda are:

- (small) City Hall Renovation and City Hall Annex add to the FY 2025-26 CIP list
- (small) Update Sister City Policy to clarify staff travel
- (small) Update the Audit Committee responsibilities
- (moderate to large) Work Program Prioritization
- (moderate to large) Council Procedures Manual update

The items I hope to place on the 2/4 Council agenda are

- (small) Economic Develop Commission

- (small) Legislative Review Committee
- (moderate) Update the Responsibility for Planning Commission to add transportation and small cell

As I understand the TBD list is already on the 1/22 Council agenda? If so, I hope to include a discussion on whether we should continue the same approach or make any changes.

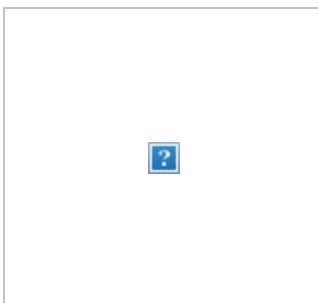
I hope to have a list of agenda items for future council meetings so I have some idea in scheduling, such as the quarterly budget updates, annual update for the Housing Element, items for work program and CIP list, community grant, CDBG grant and any development project.

The City Manager's report back in 2019-20 has a list of all future agenda items so we have some idea what's upcoming and when.

In Fremont, I am told they send a draft agenda for the next two months to all Councilmembers since the staff do need to know ahead of time to prepare anyway.

Thank you for helping me to navigate the agenda setting process.

Liang



**Liang Chao**

Council Member

City Council

LiangChao@cupertino.org

408-777-3192





**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** Item #8 city council meeting feb 4, 2025  
**Date:** Tuesday, February 4, 2025 6:37:26 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi City Council,

TBD list – let's please get the EOC going, renovate city hall, and stop delaying!

Hopefully the purchase of the antiquated building is now off the table.

I agree with items 1-9.

Doing Wednesday meetings is a bit of a drag but I see that it allows for supplemental reports, so I'm okay with #10.

I agree with line items 11 to 16.

Thanks,

Rhoda Fry

**From:** [Jean Bedord](#)  
**To:** [City Clerk](#)  
**Subject:** Fwd: Agenda Item No. 8: Future Agenda Items: NO on Economic Development Committee  
**Date:** Tuesday, February 4, 2025 6:27:29 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry, I didn't copy you on this email but I did send it before 4:00. Please include in Written Communications for this meeting.

----- Forwarded message -----

From: **Jean Bedord** <[Jean@bedord.com](mailto:Jean@bedord.com)>  
Date: Tue, Feb 4, 2025 at 3:29 PM  
Subject: Agenda Item No. 8: Future Agenda Items: NO on Economic Development Committee  
To: City Council <[citycouncil@cupertino.org](mailto:citycouncil@cupertino.org)>, City Attorney's Office <[CityAttorney@cupertino.org](mailto:CityAttorney@cupertino.org)>, Cupertino City Manager's Office <[manager@cupertino.org](mailto:manager@cupertino.org)>

Mayor Chao, Vice-Mayor Moore and Councilmembers Fruen, Mohan and Wang,

While we all can agree on the need to focus on economic development in Cupertino, the previous Economic Development Committee is **NOT an effective platform to accomplish this goal**. It was the wrong "tool" for many reasons, and a waste of staff and public time.

\* Major employers won't participate. They will not participate in a Brown Act governed body that is recorded with public minutes. They do have representatives who are members of the Chamber of Commerce. These are generally communications officers who are willing to speak off the record but are not decision makers. They were noticeably absent in the initial recruitment (I was there!)

\* Cupertino has a wealth of semi-retired and retired business executives who are potential recruits. However, they may balk at filing a Form 700 Statement of Economic Interests, required by a Brown Act body, which makes their personal finances publicly visible.

\* The city is unable to provide the key support that businesses need: (1) Marketing and (2) Financial know-how. The city can streamline the permitting process, but this is best handled by the Planning Department.

\* Inadequate space. According to a [report by Kidder Mathews](#), Cupertino is in the **very unusual situation of having a 2.3% office vacancy rate**, the lowest in the West Valley, much lower than the 30-35% vacancy rates in SF, SJ, and Oakland, and among the lowest in the Bay Area. This means there is **no space for new companies to diversify the city economy**. Shane Company searched for four years, and still ended up with a suboptimal location. Splunk used to be in Cupertino and has since moved to Santana Row. Plus Ai (<https://plus.ai/>) recently moved from Cupertino to Santa Clara. I

have personally talked with two organizations who are unable to find suitable space in Cupertino.

Please remove this item. **City organized Brown Act bodies are inflexible, and ineffective.**  
Working with partners is much more productive.

Engaged Cupertino resident,  
Jean Bedord

CC 02-04-2025

Item No. 9

Award a  
construction  
contract to Golder  
Bay Construction

Written Communications

**From:** [Peggy Griffin](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Chad Mosley](#)  
**Subject:** 2025-02-04 City Council Meeting - ITEM 9 Phase 2 SCB Bike Lane - USE BOLLARDS  
**Date:** Monday, February 3, 2025 12:51:53 AM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE INCLUDE THIS EMAIL AS PART OF THE WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Chao, Vice Mayor Moore, City Councilmembers and Staff,

Please consider using the plastic bollards instead of the concrete bike lane dividers. The concrete bike lane separator is estimated to cost \$336,000. The bollards are estimated to cost 6 times less, at a cost of \$56,000. This is a \$280,000 savings – over a quarter of a million dollars! This savings will go a long way towards completing Phase 2B. Also, I'm guessing that the time to install would be much quicker.

If you drive along Saratoga Avenue, they are using these bollards. The bollards are also being used in Fremont, too. It is quick, efficient and effective. We do not need more concrete. Also, if there is debris in the bike lane, a cyclist has a way to avoid it.

Please make our tax dollars and grant funding go as far as it can. You can provide this at a reduced cost. Please do so. Thank you.

Sincerely,  
Peggy Griffin

**From:** [Seema Lindskog](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** Continue the Stevens Creek Protected Bike Lanes project  
**Date:** Tuesday, February 4, 2025 3:51:11 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Chao, Vice-Mayor Moore, and Council Members,

Stevens Creek Boulevard is one of the most dangerous corridors for cyclists in Cupertino. It was identified as one of the highest priorities both in the 2016 Bike Plan and in the 2024 Vision Zero Plan.

The project to add concrete dividers to create protected bike lanes has been ongoing for years, receiving continued support from all past councils. Please honor their commitment and continue to fund this project.

Many high school students and commuters use this corridor every day, riding their bikes just two feet away from fast moving buses and large SUVs. Adding concrete barriers creates a real safety improvement for these cyclists. A concrete barrier can slow or stop a vehicle enough that it can prevent serious injuries or death. Plastic bollards create a visual barrier but offer zero physical protection.

Mahi Kothari, the little girl who died less than a year ago on Foothill Blvd, might be alive today if the bike lane had been protected with concrete barriers. Ethan Wong might be alive today if McClellan Rd had had concrete separators. These barriers make an immense and real difference in the safety of our residents who cycle on city streets.

Please represent their voices and vote to support this project.

Sincerely,  
Seema Lindskog

---

"You must be the change you want to see in the world." - Mahatma Gandhi  
*This message is from my personal email account. I am only writing as myself, not as a representative or spokesperson for any other organization.*

**From:** [Yvonne Strom](#)  
**To:** [City Council](#)  
**Cc:** [Cupertino City Manager's Office](#); [City Clerk](#)  
**Subject:** In support of protected bike lanes on Stevens Creek  
**Date:** Tuesday, February 4, 2025 3:01:53 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Esteemed City Councilmembers,

I am a mom, a longtime Cupertino homeowner, and an avid bicyclist. Over the past couple of years I have noticed more and more residents taking advantage of safer bike infrastructure around town. Today the City Council has the responsibility to build on this successful momentum by approving funding for protected bike lanes on the highest priority corridor on Stevens Creek Blvd.

Safe bike infrastructure in Cupertino is of paramount importance for public safety. My youngest daughter was a junior at Monta Vista High School in 2015, the year that one of her classmates was killed while riding his bicycle to school on McClellan Ave. Please vote today to fund protected bike lanes on Stevens Creek Blvd and prevent future tragedies on our streets.

Respectfully,  
Yvonne Thorstenson

**From:** [Taghi Saadati](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** Stevens Creek Blvd. Separated Bike Lane  
**Date:** Tuesday, February 4, 2025 2:48:12 PM

---

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening, I have lived in Cupertino almost 40 years and for the past 15 years bike almost every day around Cupertino.

Often I ride on Stevens Creek Blvd. and feel unsafe without barriers to stop cars from crossing into the bike lane and potentially get hurt.

I urge you to vote and approve this project.

This project was previously approved by City Council, and City Staff secured \$800k construction grant which makes it possible for this project to move forward with your approval.

Thank you

Taghi Saadati



**From:** [Connie Cunningham](#)  
**To:** [City Clerk](#); [City Council](#); [Cupertino City Manager's Office](#)  
**Subject:** 2025-2-4 CC Agenda Item 9 SCB Class IV bike lane project  
**Date:** Tuesday, February 4, 2025 2:37:10 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Stevens Creek Boulevard Class IV Bike Lane Project

Mayor Chao, Vice Mayor Moore, Councilmembers and City Manager:

I urge City Council to approve this action item. This project is critical for bicycle safety, and improved traffic flow, along this main Cupertino boulevard.

This project has been supported by the Bike Ped Commission and City Council throughout the process. I am excited to see the City leverage grant funds to take this step forward.

Sincerely,  
Connie Cunningham, long time resident, Chair, Housing Commission, speaking for myself only

From Connie's iPhone

**From:** [Joel Wolf](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Pamela Wu](#)  
**Subject:** Agenda Item 9--Stevens Creek Blvd Separated Bike Lane--Phase 2A  
**Date:** Tuesday, February 4, 2025 1:13:45 PM

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Dear Mayor, Vice-Mayor and Councilmembers

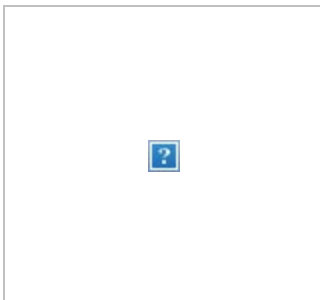
I urge you to approve Item 9 and award the construction contract to Golden Bay Construction for the construction of Phase 2A of the Stevens Creek Blvd physically separated Class IV bike lane. Completion of this segment of the project is an important safety upgrade to the current buffered bike lane on this busy Blvd. The speed limit is currently 35 mph for vehicles and installation of the physical barrier will encourage more cyclists to utilize the bike as an alternative to the automobile.

I note that no vehicle lanes will be removed and that, per the staff report, substantial outside funding has been acquired for this project totaling \$1,500,000. This project is particularly important considering the future housing development along this Blvd. The City should be encouraging the new residents of this housing to select the bike as a mode of transportation over the car, reducing noise, pollution and congestion.

The plan calls for the installation of prefabricated concrete barriers (as were installed between Tantau and Wolf). Such barriers have an advantage over plastic bollards including a (1) greater level of protection for cyclists; (2) less maintenance as the plastic bollards are more easily damaged than the concrete elements; and (3) the concrete curbs are more aesthetically pleasing than plastic bollards.

Thank you for your consideration

Joel Wolf



**Joel Wolf**

Bicycle and Pedestrian Commissioner  
JWolf@cupertino.gov



**From:** [Debbie Timmers](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#)  
**Subject:** 2025-02-04 City Council Meeting - ITEM 9 Phase 2 SCB Bike Lane - DO NOT compromise the safety of our children and residents  
**Date:** Tuesday, February 4, 2025 1:11:06 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this in the written communication for the 2/4 council meeting.

-----  
Dear Mayor Chao, Vice Mayor Moore, and Councilmembers,

The Stevens Creek Boulevard protected bike lanes project, identified as the highest priority project in the 2016 Cupertino Bicycle Transportation Plan, was developed with extensive community input and adopted by the Bike Ped Commission and City Council. Stevens Creek Boulevard was also identified as a high-priority high-injury corridor in the Vision Zero plan, which the City Council unanimously adopted in 2024.

The estimated cost to the City for design and construction is \$722,261; if the project isn't implemented, the City will forfeit **\$807,000** in grant funding, making it more difficult to obtain grants in the future.

While some members of the public have proposed using bollards instead of concrete barriers to reduce costs, bollards are not as effective in preventing accidents. Are we really willing to compromise the safety of our children and residents? Please note that not only bicyclists are using these lanes, but also our fellow residents in motorized wheelchairs.

The project design has been reviewed by the Bike Ped Commission at three separate meetings since 2022, and Phase 1 of construction was approved and funded by the City Council.

Please work to make this corridor safer for all that use it. We want to reduce traffic congestion, but that won't happen until the roadway is safe for all to use and alternative modes of transportation are safely viable.

Thank you for your consideration.

Debbie Timmers

**From:** [Lars Thomsen](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** Bicycle lane project on Stevens Creek  
**Date:** Tuesday, February 4, 2025 12:47:41 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day City Council,

As the owner of [Trail Head Cyclery](#) on Stevens Creek Boulevard in the Heart of Cupertino, I am very familiar with the risks of cycling past our shop! I am sure you will all agree that many drivers awareness of cyclists, and often anybody but themselves is near zero in Cupertino. I've seen folks stop in the middle lane to make a turn left or right turn across all other lanes. I've seen drivers use the bike lane to go the wrong way just to get into a driveway they missed. I've seen phone drifters, race car drivers and clueless, distracted, dangerous drivers that make cycling downright dangerous as all hell on Stevens Creek Blvd.

Please, think of a future where more people choose to ride a bike for short trips in our city because they feel safe enough to make that choice. With the rampant increase in electric bikes, encouraged by [state rebates](#), more and more folks will see cycling as a viable alternative to driving. BUT, only if they feel safe enough to ride!

Keep protected lanes on Stevens Creek Boulevard the highest priority project in the Transportation Plan. This busy road has been identified as one of the highest priority high-injury corridors in the Vision Zero plan and the cost to design and build either 2A or 2B will only be more expensive if we do not take advantage of the grant funding it has been approved for!

Concrete barriers are the way. If you are on your bike, riding to get lunch at Sweet Maple or maybe heading to Lawson Middle School, imagine vehicles flying past with nothing but some bollards between you. Not great. Give me some concrete proof that I'll be safe, my kids will be safe or my staff will be safe when riding their bikes down Stevens Creek Boulevard.

Thank you,  
Lars

\_\_\_\_^\_\_^\_\_^\_\_\_\_ \ O\_]°  
Lars Thomsen \ O  
Captain \  
Trail Head Cyclery \  
[www.trailheadcyclery.com](http://www.trailheadcyclery.com) \  
408-369-9666 \  
lars@trailheadcyclery.com |  
On the job: Tue-Sat. \

On the trails: Sun-Mon \

**From:** [louise saadati](#)  
**To:** [City Council](#); [City Clerk](#); [City Attorney's Office](#); [Cupertino City Manager's Office](#)  
**Subject:** Please approve protected bike lanes for Stevens Creek Boulevard  
**Date:** Tuesday, February 4, 2025 12:39:27 PM

---

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Liang Chao, City Mayor; Kitty Moore, Vice-Mayor; and City Councilmembers:

Please approve protected bike lanes with concrete barriers for Stevens Creek Boulevard tonight.

Please protect the community by approving this item that was pulled from Consent 2 city council meetings ago. More residents are biking as a means of daily transportation. This will help our response to Climate Change. Any potential slowing of traffic would increase car safety. All the residents would benefit from the city council approval tonight of protected bike lanes with concrete barriers on Stevens Creek Boulevard .

The corridor has been identified as the highest priority for high injury in the Vision Zero Plan that the council adopted in 2024.

The city will forfeit \$807,000 in grant funding. This would make future grant funding very difficult. This would be fiscally irresponsible.

No lanes will be removed or narrowed by this project. There will not be any right-turn only lanes.

The plan was developed with extensive community input and adopted by the Bike Ped Commission and City Council.

The project design has been reviewed by the Bike Ped Commission at three separate meetings since the start of the project (Jan 2022, July 2022, and Feb 2023) and Phase 1 of the construction was approved and funded by the City Council.

Thank you for your time and service to our residents and safety for all who use Stevens Creek Boulevard.

Louise Saadati

Sent from my iPhone

**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Subject:** Fw: Questions on Item 9 - Stevens Creek Blvd  
**Date:** Tuesday, February 4, 2025 12:13:41 PM

---

Please enter the following into the written communication for the item.

Since written answers won't be provided in a supplemental report, I hope to share the additional questions sent.

Thanks,

Liang



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**From:** Liang Chao <LChao@cupertino.gov>  
**Sent:** Tuesday, February 4, 2025 10:59 AM  
**To:** Pamela Wu <PamelaW@cupertino.gov>  
**Cc:** Chad Mosley <ChadM@cupertino.gov>; David Stillman <DavidS@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>; Serena Tu <SerenaT@cupertino.gov>  
**Subject:** Re: Questions on Item 9 - Stevens Creek Blvd

I thought written answers would be provided for questions sent before 10am?

Some of the questions are requesting documents for grant applications so I can understand the scope of the project described and the conditions for the grants.

Q2: The staff report mentioned that the project would utilize "Senate Bill 1 (SB1)" of \$693,000. My understanding is that this portion of the SB 1 grant can be reallocated to other bike path project, is that right?

Q2-1: If the city submitted a proposal for SB 1, what is the project description?  
Please include the application to provide clarity.

Q3: The staff report mentioned that the project would utilize "One Bay Area Grant

(OBAG)" of \$807,000. The staff report states "In 2022, MTC informed staff that due to other agencies being unable to commit to obligating the OBAG funds for their projects, funding was now available for the City of Cupertino in support of this Project. On April 19, 2022, the City Council accepted the recommendation to adopt a resolution of local support, which is required to complete the application process and for the City to receive the \$807,000 of OBAG funding (with a required local match of \$93,000.)" What is the project description for the OBAG funding?  
Q3-1: Please provide the application for the OBAG grant to provide clarify.

I am sorry for the number of questions. But due to the lack of information in the staff report and the lack of public process for intersection changes which affect all road users, I am trying to get sufficient information to figure out the best compromise for the project to both support bike paths and also fiscal responsibility.  
I hope you understand my dilemma.

Liang



---

**From:** Pamela Wu <PamelaW@cupertino.gov>  
**Sent:** Tuesday, February 4, 2025 9:45 AM  
**To:** Liang Chao <LChao@cupertino.gov>  
**Cc:** Chad Mosley <ChadM@cupertino.gov>; David Stillman <DavidS@cupertino.gov>; City Clerk <CityClerk@cupertino.gov>; Serena Tu <SerenaT@cupertino.gov>  
**Subject:** RE: Questions on Item 9 - Stevens Creek Blvd

Mayor Chao, thank you for your additional questions. They will be answered during tonight's meeting.

Pamela

**Pamela Wu**  
City Manager  
City Manager's Office  
[PamelaW@cupertino.gov](mailto:PamelaW@cupertino.gov)  
[\(408\)777-1322](tel:(408)777-1322)





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**From:** Liang Chao <LChao@cupertino.gov>

**Sent:** Tuesday, February 4, 2025 9:25 AM

**To:** Pamela Wu <PamelaW@cupertino.gov>

**Cc:** Chad Mosley <ChadM@cupertino.gov>; David Stillman <DavidS@cupertino.gov>

**Subject:** Questions on Item 9 - Stevens Creek Blvd

My intention is to re-examine the priorities in order to align with the priorities of the 2016 Bicycle Master Plan and the Council priorities to expand coverage of more roads, rather than being bogged down by costly intersection reconfigurations.

Q1: The staff report states "The 2016 Cupertino Bicycle Transportation Plan identified Stevens Creek Boulevard Class IV Bike Lane Project (Project) as the highest priority project. This Project includes upgrading the existing Class II buffered bike lane to a physically separated Class IV bike lane along Stevens Creek Boulevard from Tantau Avenue to Foothill Boulevard and related traffic signal upgrades." As I remember, the bike paths and intersections are ranked separately in the [2016 Bicycle Transportation Plan](#). So, I looked it up and found that bike paths and intersections are indeed considered separate projects in the plan. And the recommendation for intersections are:

- The "Intersection Configure" for Stevens Creek and De Anza is ranked #62 and the recommendation was "Bike lane striping through Intersection".
- The "intersection Configure" for Stevens Creek and Stelling is ranked #2 and the recommendation was "Study protected intersection in coordination with proposed Class IV".
  - The plan suggests to study first and then decide what type of "intersection configure" to implement.

Thus, from the 2016 Bicycle Master Plan and the project description of the CIP project, the scope of the Stevens Creek Blvd Class IV Bike Path should not include intersections. I like have missed some other documents?

Q1-1: What city documents have changed the scope of the Stevens Creek Blvd Class IV Bike Path to also include intersections?

Q1-2: And what city documents have provided study for different options for intersection

configuration?

Q1-3: What city documents have provided traffic impact analysis?

Q2: The staff report mentioned that the project would utilize "Senate Bill 1 (SB1)" of \$693,000. My understanding is that this portion of the SB 1 grant can be reallocated to other bike path project, is that right?

Q2-1: If the city submitted a proposal for SB 1, what is the project description? Please include the application to provide clarity.

Q3: The staff report mentioned that the project would utilize "One Bay Area Grant (OBAG)" of \$807,000. The staff report states "In 2022, MTC informed staff that due to other agencies being unable to commit to obligating the OBAG funds for their projects, funding was now available for the City of Cupertino in support of this Project. On April 19, 2022, the City Council accepted the recommendation to adopt a resolution of local support, which is required to complete the application process and for the City to receive the \$807,000 of OBAG funding (with a required local match of \$93,000.)" What is the project description for the OBAG funding?

Q3-1: Please provide the application for the OBAG grant to provide clarify.

Q4: If we refocus the Stevens Creek Blvd Class IV Bikeway project to only include Class IV Bikeway without any intersection (or only include "striping through Intersection," as recommended by the 2016 Bicycle Master Plan, can we utilize both the OBAG and the SB1 grants to complete the entire Stevens Creek Blvd Class IV Bikeway project, including Phase 2 and Phase 3?

Q5: The supplemental report from 2/3 states "Staff Response: A traffic analysis was performed in 2017. This analysis envisioned a more restrictive design (reducing travel lanes through the intersection from 3 to 2)." Where do I find this traffic analysis?

Q6: The supplemental report from 2/3 states "The traffic signal upgrade at Wolfe Road is \$207,020, and the traffic signal upgrade at De Anza Blvd is \$370,480." This is the first that I heard that this project also includes signal upgrades for the Stevens Creek and Wolfe intersection, due to the lack of information in the staff report. Isn't that intersection already reconfigured with protected bike lanes? Why does it still need an upgrade for \$207,020?

Q7: From the 2016 Bicycle Master Plan, the "Intersection Configure" for Stevens Creek and De Anza recommended was "Bike lane striping through Intersection". Could we implement this project with this lower-cost change to the intersection?

Q7-1: Can we include the bike path portion of the Phase 2B and Phase 3 without only bike lane striping through intersection in the same project to utilize those two grants, OBAG and SB1?

Thank you for the information.

Liang



**Liang Chao**

Mayor

City Council

[LChao@cupertino.gov](mailto:LChao@cupertino.gov)

[408-777-3192](tel:408-777-3192)



**From:** [Rob Tsuk](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** Support Stevens Creek Blvd Bike Lanes – Safety & Fiscal Responsibility  
**Date:** Tuesday, February 4, 2025 8:27:02 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As an avid cyclist and Cupertino resident I urge the City to move forward with the Stevens Creek Boulevard protected bike lanes project. Canceling it would be fiscally irresponsible and a serious safety risk.

This project was identified as the highest priority in the 2016 Cupertino Bicycle Transportation Plan and is a key part of the 2024 Vision Zero plan. The City has committed only \$722,261, while forfeiting the project would mean losing \$807,000 in grant funding and jeopardizing future grants.

Some suggest using bollards instead of concrete barriers to save money, but bollards do not stop speeding cars or save lives. Concrete dividers offer real protection—something that could have prevented the tragedies on roads.

The design has been reviewed multiple times by the Bike Ped Commission, and Phase 1 was approved and funded by the City Council. This project does not remove or narrow vehicle lanes, change turn lanes, or restrict right turns on red. It is essential for safety and a responsible use of funds. Please move forward with it.

Best regards,  
Rob Tsuk  
21384 Dexter Drive, Cupertino

**From:** [J Shearin](#)  
**To:** [City Council](#); [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** City Council 2/4/25 Agenda item 9: Approve true protected bike lanes with concrete barriers, not flimsy plastic  
**Date:** Monday, February 3, 2025 9:18:42 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Chao, City Councilmembers, and City Manager Wu:

I ask you today as a longtime Cupertino resident and someone that values the safety of all residents, including those who bike, to approve the Stevens Creek Bike Lanes portion 2A with full concrete barriers.

Those that don't bike may tell you that that easily broken plastic bollards are the same as concrete barriers, when they are plainly not. Yes, plastic bollards may be cheaper. But is that worth someone's life? We've had deaths—of children!--in our city that could have been avoided if concrete barriers like are planned for the lanes on Stevens Creek Boulevard were put in. I know I wouldn't want to be the one that caused another tragedy because I was trying to save some (free) grant money or by "thrifting" a project to make an integral safety item only visual and not substantial.

Our residents deserve to have proper safety measures. A flimsy plastic bollard stuck to the road with plastic tar is no match for a 2000 lb. car. A concrete curb can, however, slow or stop a car. Let's follow the advice of staff who have studied this issue and learn our lesson from McClellan Road. There have been zero killed or severely injured cyclists on that road since the concrete bike lanes were installed.

It's also worth noting that this segment of Stevens Creek Boulevard is on the commute path for students heading to Cupertino High School everyday who live in the North Blaney neighborhood. We need to look out for our children, and encourage them to get to school actively and safely, instead of adding yet more traffic to our roads.

This change does not affect any car lanes of travel. It's the exact same treatment as the protected lanes between Wolfe and Tantau. Having concrete barriers in our SCB buffered bike lanes—turning them into Class IV protected lanes—has been a top priority project in the city's Bike Plan for nine years, and was also identified in the city's Vision Zero Plan as a key project to improve safety. Now is the time to follow through on those plans, and to use grant money to pay for the vast majority of this project. I ask you to do that with full protection for cyclists, not bits of plastic.

Thank you,

Jennifer Shearin  
Cupertino resident

Note: please include my letter as part of the public record for the City Council meeting on February 4, 2025.

**From:** [Pete Klein](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** Stevens Creek Safety Improvements  
**Date:** Monday, February 3, 2025 9:03:13 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please continue your support for the bike lane improvements on Stevens Creek. I've lived a few blocks from that thoroughfare for 35 years. I've cycled several times a week during that time. I avoid Stevens Creek due to the lack of protection for cyclists. Yet it's the only east/west street between Bollinger and Homestead. Fortifying the traffic/bike lane interface would be a huge improvement. As I understand it, significant grant funding is available which would be lost if the project is tabled. And no changes to the car lanes are required to degrade them. It makes no sense to drip this project now.

Peter Klein  
Cupertino resident

**From:** [Calley Wang](#)  
**To:** [City Council](#); [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** 2/4/2025 City Council Meeting - Support for Agenda item 9: Stevens Creek Class IV Bike Lanes  
**Date:** Monday, February 3, 2025 8:09:19 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor Chao, Council Members and Staff,

Please enter my comment into the public record for the City Council meeting on February 4.

I urge the City Council to maintain its support for the Protected Bike Lanes on Stevens Creek Boulevard, with full concrete barriers. This project came out of the city's 2016 Bicycle Transportation Plan from a groundswell of support after the tragic death of a Monta Vista High School student in a traffic collision. That tragedy awoke the whole community to the importance of physically separated bike lanes and trails for the city's cyclists, many of whom are children. As an MVHS alum, these events affected me and my family deeply.

Since then, the Bike-Ped Commission, City Council, and residents have consistently identified Protected Bike Lanes on Stevens Creek as Cupertino's most important bike project. It will create a fully separated facility on one of the city's high-priority high injury corridors. This will make cycling safer and more convenient in Cupertino's Heart of the City, without taking away any car lanes or right turns. Bollards and paint alone aren't enough, but tragedies like these could have been prevented by concrete dividers blocking vehicles from entering the bike lane.

For the sake of quality of life, safety, and maintaining a desirable and thriving community I support this project. I've traveled on Stevens Creek by car and by bike, and I can tell you that protected bike lanes would be a boon for accessibility and safer travel, especially for Cupertino High School students. I see kids regularly cycling next to cars today, despite the fast-moving traffic. There is a better way. The entire corridor needs full protected bike lanes. Outside grant funding will pay for most of the project. The first phase has already been successfully installed.

Let's stay the course and make Stevens Creek a great place for all road users in our community. Approve the protected bike lanes.

Thank you,

**Calley Wang**

West Hill Court, Cupertino, CA 95014

**From:** [Tim Oey](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** Say Yes to Biking Safety on Stevens Creek Boulevard at your Feb 4 City Council Mtg!  
**Date:** Monday, February 3, 2025 4:35:08 PM

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Honorable City Council,

Climate Change and Unsafe Streets continue to be significant challenges today and for our kids going forward. We must make it safer and more attractive to bike along Stevens Creek Boulevard. Lives depend on it now and in the future.

I bike on Stevens Creek Boulevard in Cupertino regularly -- the current protected areas increase safety and reduce stress -- they are well done. Let's make more of Stevens Creek Boulevard safer.

Cars are deadly dangerous whereas bicycles save lives. We need to protect bicyclists from cars and their drivers.

Some additional important points:

- Stevens Creek Boulevard protected bike lanes project was identified as the highest priority project in the 2016 Cupertino Bicycle Transportation Plan. The plan was developed with extensive community input and adopted by the Bike Ped Commission and City Council.
- Stevens Creek Boulevard has been identified as one of the highest priority high-injury corridors in the Vision Zero plan, which the City Council unanimously adopted in 2024.
- The actual cost to the City for design of 2A and 2B, and for construction of 2A, is estimated at approximately \$722,261. If we don't do the project, the city will be forfeiting \$807,000 in grant funding which would make it difficult to win future grants.
- Some members of the public are proposing that the city use plastic bollards instead of concrete barriers to save money. Plastic Bollards do not save lives. A plastic bollard will not stop or slow down a speeding car -- you can tell by the large number of plastic bollards regularly knocked down along many bikeways in Cupertino and neighboring cities.
- No vehicle lanes are being removed or repurposed as a part of this project.
- No vehicle lanes are being narrowed as part of this project.
- No lanes will be converted to right-turn only, nor will there be any restriction prohibiting right turns on red.
- The project design has been reviewed by the Bike Ped Commission at three separate meetings since the start of the project (Jan 2022, July 2022, and Feb 2023) and Phase 1 of the construction was approved and funded by the City Council.



Thanks!



Tim Oey  
Zero Waste Engineer, [ZeroW.org](http://ZeroW.org)  
League of American Bicyclists Cycling Instructor #6033  
Cell: (408) 781-1094  
[Tim@ZeroW.org](mailto:Tim@ZeroW.org)



**From:** [Sophia Chan](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#); [Cupertino City Manager's Office](#)  
**Subject:** SCB protected bike lanes  
**Date:** Monday, February 3, 2025 4:32:06 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Council Members!

Happy Monday! I am reaching out in support of the SBC protected bike lanes project.

It is frustrating to see something that has been approved (by the council) after being reviewed multiple times via the Bike Ped Commission to have it be "reviewed" again.

Who is bring this back to be discussed and are they considering the safety of the community when they discredit all the hours (and years) that have been put into understanding why it was prioritized in the first place?

Are you truly putting safety of the people in Community when you put this up for discussion again? Is the perceived money saved worth a life, especially if it may be someone you know?

Please do the right thing and put this to rest and let the project continue as planned and as budgeted from the grant. Send the message that you will always put the safety of the community first.

Thank you for your consideration.

Best regards,  
Sophia

**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** Agenda Item #9 - find a less expensive alternative  
**Date:** Tuesday, February 4, 2025 6:40:45 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,  
We are in a budget crisis.  
It doesn't look like we are because there is a plan to spend down our savings.  
What happens in a decade when they're gone.  
Please consider finding an effective yet lower-cost alternative such as flexible bollards.  
I also wonder about how the City will be able to easily do street-sweeping and cleaning out storm drains.  
I am also worried about all of the businesses along Stevens Creek blvd and how all of the ingress and egress on Stevens Creek affects bike-safety.  
Thanks,  
Rhoda Fry

CC 02-04-2025

Item No. 10

Award a design-build  
contract for the  
Photovoltaic Systems  
Design and Installation  
Project

Written Communications

**From:** [Ravi Kiran Singh Sapaharam](#)  
**To:** [Chad Mosley](#); [City Council](#); [Pamela Wu](#); [City Clerk](#)  
**Subject:** February 4, 2025 Council Meeting || Review of Photovoltaic Project  
**Date:** Tuesday, February 4, 2025 3:46:30 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the following in the written communications for the February 4, 2025, council meeting:

Dear Mayor Chao and Council Members,

I urge you to reconsider the photovoltaic project due to:

- **Escalating Costs:** The budget has increased from \$6.3 million to at least \$10 million, including \$4.3 million for Syserco Energy Solutions and \$225,000 for 4Leaf, Inc. in project management fees.
- **Uncertain Federal Funding:** The project depends on a 30% rebate from the IRA and a 10% BABAA bonus, both currently on hold requiring federal approval. Without these, costs could rise significantly.
- **Financial Risks:** Projected savings rely on meeting the NEM 2.0 deadline. Delays might force the city onto less beneficial NEM 3.0 rates, reducing ROI. With these uncertainties, the \$1.67 million could better serve immediate infrastructure needs.

For fiscal responsibility, I respectfully request the cancellation of this project to avoid unnecessary financial risk.

Sincerely,  
Ravi  
Cupertino Resident

**From:** [Santosh Rao](#)  
**To:** [City Council](#); [City Clerk](#); [Chad Mosley](#); [Susan Michael](#); [Pamela Wu](#); [Tina Kapoor](#)  
**Subject:** Urgent: Reject agenda item 10 Photovoltaic Project Due to Uncertain Federal Funding and Escalating Costs  
**Date:** Tuesday, February 4, 2025 3:37:11 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communications for the 02/04/25 council meeting.

**Subject: Urgent: Reject the Photovoltaic Project Due to Uncertain Federal Funding and Escalating Costs**

Dear Mayor Chao and Cupertino City Council Members,

I am an incoming planning commissioner but am writing and speaking on behalf of myself only as a Cupertino resident.

I urge you to **reject agenda item 10 involving the photovoltaic (PV) project in its entirety** due to its escalating costs, uncertain federal funding, and significant financial risks to Cupertino taxpayers.

### **Escalating Costs and Poor Fiscal Planning**

This project was originally budgeted at **\$6.3 million** but is now projected to cost **at least \$10 million** when factoring in the design-build contract, construction management fees, and contingencies. The contract with **Syserco Energy Solutions alone is \$4.3 million**, with an additional **\$225,000 allocated to 4Leaf, Inc.** for project management. Given the history of cost overruns in public works projects, the final amount could rise even higher, putting further strain on city funds.

### **Unreliable Federal Funding Jeopardizes Financial Viability**

A key assumption behind this project is that the city will receive a **30% rebate through the Inflation Reduction Act (IRA) Direct Pay credit**, with an additional **10% from the "Build America Buy America Act" (BABAA) domestic content bonus credit**. However, these federal incentives are **not guaranteed**. The latest update from the Biden-to-Trump transition indicates that **all IRA disbursements are now on hold, requiring specific federal approval for each project**. This creates a **major funding risk**, as Cupertino could be left without these anticipated rebates, dramatically increasing the city's financial burden.

### **Uncertain Long-Term Savings and High Opportunity Costs**

The projected savings of **\$276,000 annually** and **\$13 million over 30 years** depend on

multiple assumptions, including **meeting the tight April 2026 deadline** to qualify for Net Energy Metering (NEM) 2.0 rates. If the project is delayed—whether due to supply chain issues, labor shortages, or unforeseen construction challenges—the city would be forced onto **less favorable NEM 3.0 rates**, reducing the financial return. The **remaining \$1.67 million in city funds** currently allocated to this project could instead be redirected to **higher-priority infrastructure needs** that guarantee more immediate and tangible benefits for Cupertino residents.

## **A Responsible Path Forward: Cancel the Project Entirely**

Rather than moving forward with a high-risk, high-cost project, the **most fiscally responsible decision is to cancel it outright**. The project's financial model has been **undermined by shifting federal policies**, and relying on uncertain funding sources places Cupertino in a precarious position. Without firm guarantees on IRA rebates, the city should not proceed with this large-scale capital investment.

I strongly urge you to **halt and reject this project before Cupertino is left footing an unnecessary multi-million-dollar bill**.

Sincerely,  
San Rao (Cupertino resident)

**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** Agenda Item #10 - please stop the PV project while you can  
**Date:** Tuesday, February 4, 2025 6:42:54 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Agenda Item #10 - please stop the PV project while you can  
When we use PG&E we are using wind and solar.  
Rebates from the feds are not guaranteed.  
We are in a budget crisis and we have no plan beyond a decade.  
Cities like San Jose are cutting back and Cupertino is spending like there is no tomorrow - - -  
well there will be no tomorrow in Cupertino if reckless spending continues.  
Regards,  
Rhoda Fry



**From:** [Yuvaraj Athur Raghuvir](#)  
**To:** [Chad Mosley](#); [City Council](#); [Pamela Wu](#); [City Clerk](#)  
**Subject:** Reconsidering the Photovoltaic Project Due to Cost and Funding Risks  
**Date:** Tuesday, February 4, 2025 5:24:10 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communications for 02/04/2025 council meeting.

Dear Mayor Chao and Council Members,

I urge you to reconsider and reject the photovoltaic (PV) project due to escalating costs, uncertain federal funding, and financial risks to Cupertino.

The project's budget has grown from \$6.3 million to at least \$10 million, with the Sysco Energy Solutions contract at \$4.3 million and \$225,000 for 4Leaf, Inc. in project management fees. Given the potential for cost overruns, this is a significant financial commitment.

Additionally, the project relies on a 30% rebate from the Inflation Reduction Act (IRA) and a 10% "Build America Buy America Act" (BABAA) bonus credit, both of which are now on hold under the new administration and require federal approval. Without these incentives, Cupertino could face much higher costs than anticipated.

Projected savings of \$276,000 annually and \$13 million over 30 years depend on meeting the April 2026 deadline for Net Energy Metering (NEM) 2.0. Any delays could push the city onto less favorable NEM 3.0 rates, reducing the return on investment. Given these risks, the remaining \$1.67 million in city funds could be better allocated to more immediate infrastructure needs.

To ensure fiscal responsibility, I respectfully urge you to cancel this project and avoid exposing the city to unnecessary financial risk.

Sincerely,  
Yuva Athur

**From:** [Deepa Mahendrakar](#)  
**To:** [Chad Mosley](#); [City Council](#); [Pamela Wu](#); [City Clerk](#)  
**Subject:** Reconsidering the Photovoltaic Project Due to Cost and Funding Risks  
**Date:** Tuesday, February 4, 2025 4:48:27 PM

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Dear City Clerk,

Please include the below in written communications for the 02/04/25 council meeting.

Dear Mayor Chao and Council Members,

I urge you to reconsider and reject the photovoltaic (PV) project due to escalating costs, uncertain federal funding, and financial risks to Cupertino.

The project's budget has grown from \$6.3 million to at least \$10 million, with the Syserco Energy Solutions contract at \$4.3 million and \$225,000 for 4Leaf, Inc. in project management fees. Given the potential for cost overruns, this is a significant financial commitment.

Additionally, the project relies on a 30% rebate from the Inflation Reduction Act (IRA) and a 10% "Build America Buy America Act" (BABAA) bonus credit, both of which are now on hold under the new administration and require federal approval. Without these incentives, Cupertino could face much higher costs than anticipated.

Projected savings of \$276,000 annually and \$13 million over 30 years depend on meeting the April 2026 deadline for Net Energy Metering (NEM) 2.0. Any delays could push the city onto less favorable NEM 3.0 rates, reducing the return on investment. Given these risks, the remaining \$1.67 million in city funds could be better allocated to more immediate infrastructure needs.

To ensure fiscal responsibility, I respectfully urge you to cancel this project and avoid exposing the city to unnecessary financial risk.

Sincerely,  
Deepa Mahendrakar  
Sent from my iPhone

CC 02-04-2025

Item No. 11

Study Session for the use  
of Committed Future  
Use Reserve one-time  
funds

Written Communications

**From:** [Peggy Griffin](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#)  
**Subject:** 2025-02-04 City Council Meeting - ITEM 11 Study Session for 1-time Funds  
**Date:** Sunday, February 2, 2025 10:22:47 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Chao, Vice Mayor Moore and Councilmembers,

Regarding the one-time funds, my understanding is that

- There was \$74.5M in one-time funds
- \$10M has been allocated to CalPERS to cover the City's Unfunded Accrued Liability retirement costs.
- Leaving \$64M unallocated

REQUEST: Please set aside all of the \$64M for the following items

1. Emergency Operations Center (EOC) Readiness
  - a. With all the fires in the LA area and the fact that we are long overdue for a major earthquake, the EOC needs to be ready NOW!
  - b. I've heard so many versions of where it is or will be located (city maintenance yard, Community Hall, City Hall, Torre Ave Annex).
  - c. Decide what needs to be done and get it done.
  - d. Make it a top priority please.
2. City Hall Seismic Safety Upgrades
  - a. Decide what needs to be done and get it done.
  - b. Make it a top priority please.
3. Do not allocate any of the \$64M to anything else until these 2 items have been completed.
  - a. I'm not saying spend it all on these items.
  - b. I'm not saying do high-end, over the top requirements.
  - c. I'm saying keep the money until you know exactly how much each will cost before releasing it for anything else.

The health and safety of our community relies on having an effective emergency response and a safe working environment.

Sincerely,  
Peggy Griffin

**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** feb 4 2024 #11 one time funds - save them - don't spend them  
**Date:** Tuesday, February 4, 2025 6:45:48 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,  
feb 4 2024 #11 one time funds - save them - don't spend them  
no spending plan  
these are not one-time-funds, they are the tail-end of a sweetheart deal  
most city “reductions” were not real reductions – only fluff was removed from the budget –  
that’s self evident by looking at opengov  
we will NEVER be able to get that type of income flow again  
Please secure the economic future of our city.  
Thanks,  
Rhoda

CC 02-04-2025

Item No. 12

Study Session on  
revisions to the  
Cupertino City Council  
Procedures Manual

Written Communications

**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Subject:** Fw: Proposed changes to the Council Procedures Manual  
**Date:** Monday, February 3, 2025 8:48:09 AM  
**Attachments:** [Proposed Revision The March 20, 2024 Council Procedures Manual.docx](#)

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Please add this to the written communication of the 1/22 council meeting.

I am told that there is currently no process to include council comments even for council procedures manual. So, as a council member, I can only submit my comment as a written communication for this item.

Attached is the redlined version which I sent to the City Attorney on January 5, mentioned in the email below.



---

**From:** Liang Chao <LChao@cupertino.gov>  
**Sent:** Sunday, January 5, 2025 11:25 AM  
**To:** Christopher Jensen <ChristopherJ@cupertino.gov>; Pamela Wu <PamelaW@cupertino.gov>  
**Subject:** Proposed changes to the Council Procedures Manual

Attached is a Word document with proposed changes to the Council Procedures Manual. Sorry for the delay, since I originally hoped to send it to you before the Christmas break. I have included the suggested wordings (in Track Change) so hopefully that would save you some time.

I have also added comments on my rationale.

<https://docs.google.com/document/d/1YsH-CV6lSs1dPVVvd3a-IOZDhRgpOD3D/edit?usp=sharing&ouid=110586469630196154436&rtpof=true&sd=true>

Liang



**Liang Chao**

Mayor  
City Council  
LiangChao@cupertino.org  
408-777-3192





## The March 20, 2024 Council Procedures Manual

### 1. Introduction

1.1 Purpose. The purpose of this Manual is to promote communication, understanding, fairness, and trust among the members of the City Council, City staff, and members of the public concerning their roles, responsibilities, and expectations for management of the business of the City of Cupertino.

1.2 Values. Courtesy and respect for individual points of view should be practiced at all times. All Councilmembers shall respect each other's right to disagree. All Councilmembers shall act with decorum and courtesy.

1.3 Brown Act. All actions of the City Council and City commissions, committees, and subcommittees shall comply with the Ralph M. Brown Act.

### 2. Selection of the Mayor and Vice Mayor

2.1 Selection of Mayor and Vice Mayor. The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December. The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor.

2.2 Removal of Mayor and Vice Mayor. The Mayor or Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. Removal for cause shall mean removal of a Councilmember because of such member's (a) willful and continued failure substantially to perform their duties, (b) conviction for, or guilty plea to, a felony, or a crime involving moral turpitude, (c) abuse of illegal drugs or other controlled substances or habitual intoxication, or (d)

other illegal activities. The removal should proceed with a formal warning, which states with proven evidence of the member's failure to perform their duties and proposed corrective measures. The Mayor or Vice Mayor must be advised of the proposed cause for removal at least 72 hours before any action is taken. If the Mayor is removed from office, the Vice Mayor shall become Mayor. If either officer is removed from office, the Vice Mayor

### 3. Councilmember Committees and Subcommittees

#### 3.1 Appointment.

The Mayor shall appoint Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to ratification by the Council at its next regular meeting. It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council.

#### 3.2 Instructions and Expectations.

The Council shall make certain that all Council committees and subcommittees are properly instructed in their assigned scope of work and responsibilities. The committee's or subcommittee's jurisdiction shall be defined in writing and approved by a majority of the City Council. All Council committees and subcommittees having a continuing or indefinite jurisdiction shall be subject to the Brown Act.

#### 3.3 Reporting.

Council committee and subcommittee members are to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.

## 4 Other City Commissions and Committees

### 4.1 Responsibility.

The Council will make appointments to City's commissions and committees. Qualifications to serve on commissions and committees shall be set forth in the Municipal Code or by a resolution or motion of the Council that is not inconsistent with the Municipal Code. Appointment of Councilmembers to City committees shall be governed by the procedures in Section 3.

### 4.2 Attendance at Council Meetings.

The Chair or another commission member appointed by the Chair shall attend City Council meetings whenever the commission makes a recommendation to Council regarding an item of business on the Council agenda. The commission liaison shall promptly notify the Chair after an item requiring a commissioner's appearance is placed on a future City Council agenda.

### 4.3 Performance Expectations.

The Council shall make certain that all commissions and committees are properly instructed on their responsibilities and performance expectations. This will include the issuance of a Council approved Commission and Committee Handbook and a mandatory annual training session for all Commission and Committee members.

### 4.4 Appointment.

Commission and Committee applicants will be interviewed by the Council before being voted on by the Council in a noticed public meeting. Applicants are considered by motion and appointed by a majority vote of Council. Two members of an immediate family or persons residing in the same household shall not be allowed to serve simultaneously on the same commission or committee.

Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee. Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.

#### 4.5 Removal.

The City Clerk shall notify the Council and make recommendation for potential removal of commission members for

failure to comply with attendance policies adopted in the Commissioner's Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.

#### 4.6 Undue Influence on Commissioners.

Councilmembers should not attempt to influence or publicly criticize commission recommendations or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. Councilmembers that attempt to influence commission positions on an item may prejudice or hinder their role in reviewing the commission's recommendation as a member of the City Council. Individual Councilmembers shall have the right to attend meetings of Cupertino commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations.

## 5. Administrative Matters

### 5.1 Attendance.

City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty.

Councilmembers shall make a good faith effort to attend all such meetings. Council members shall notify the Mayor or the City Clerk if they will be absent from a meeting.

Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if five or more regular meetings are missed.

## 5.2 Correspondence.

Proposed correspondence from the Mayor or other Councilmembers on City stationery should generally be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. If the Mayor and the City Manager agree that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council approval. City letterhead will be made available for routine correspondence (e.g., thank you notes). Official correspondence (including email) from Councilmembers should be respectful and professional.

## 5.3 Regional Bodies.

The Mayor shall appoint Councilmembers to represent the City of Cupertino on regional bodies subject to ratification by the Council at its next regular meeting. The Mayor should endeavor to provide all Councilmembers a fair opportunity to represent the City. The positions taken by the appointed representatives should be in alignment with the positions that Council has taken on issues that directly impact the City of Cupertino. If an issue arises that is specific to Cupertino and Council has not taken a position, the issue should be discussed by Council prior to taking a formal position at a regional board meeting to assure that it is in alignment with Council's position. Council representatives to such various boards shall keep the Council

informed of ongoing business through brief oral or written reports to the Council. Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend. To ensure continuity of the City's representation, the alternate should receive all correspondence from the regional bodies that is also sent to the primary.

#### 5.4 Responses to Public.

It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and the City Manager shall keep Council informed of the City response.

#### 5.5 Reimbursement.

City Councilmembers may be reimbursed for expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember as stated in the Elected Officials' Compensation Program, as may be amended from time to time (Exhibit A). Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. Councilmembers shall be eligible to receive City-issued hardware and software for the conduct of official business pursuant to the Council Technology Policy (Exhibit B).

## 5.6 Council Training.

Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and antiharassment training required by state law. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County, by completing online a state approved public service ethics education program, or through a state approved training which may be provided at a conference attended by the member. The City Clerk shall keep ethics training records for five years.

## 5.7 Mayor's Initiative Budget.

The Mayor may use the Mayor's initiative budget established as part of the City Manager's discretionary fund for projects that the Mayor deems appropriate during the Mayor's term of office, subject to the requirements of Resolution No. 07-103 (Exhibit C). The amount of the Mayor's initiative budget is determined by the City Council.

# 6. Relationship with City Staff

## 6.1 Incorporation of Municipal Code by Reference.

Cupertino Municipal

Code Chapter 2.17 (Exhibit D) governs the City Council's relationship with the City Manager and their staff under the Council-Manager form of government. To the extent that the provisions of Chapter 2.17 are not set below, they are incorporated by reference into this Manual.

## 6.2 Council/Manager Form of Government.

Under the Council/Manager

form of government, the City Council sets policy direction as the direct representatives of the community.

To enable the City Council to make informed decisions while weighing community input, the City Manager provides staff recommendations and presents options, along with their associated pros and cons.

The City Manager provides the professional expertise to manage the organization.

The City Manager is responsible for carrying out the Council's policy direction through the day-to-day management of City functions, including the oversight of City operating departments.

Neither individual Councilmembers nor the Council as a whole shall interfere with the City Manager's performance of the administrative duties conferred upon them in Cupertino Municipal Code section 2.28.040.

### 6.3 Council-Manager Relations.

The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any Councilmember shall give orders to any subordinates of the City Manager. The City Manager shall take instructions from the City Council only when given at a duly held meeting of the City Council, and no individual Councilmember shall give any instructions to the City Manager. In the event that any suggestion or comment from an individual Councilmember might be perceived as an instruction by the City Manager or any staff, the City Manager/staff should assume positive intent and treat it as a suggestion or comment.

### 6.4 Individual Councilmember Influence on Staff Decisions Prohibited.

Individual Councilmembers shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council. If a Councilmember wishes to influence the actions,




decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of Council policy.

#### 6.5 Decorum.

All Councilmembers and City staff shall treat each other with dignity, courtesy, and respect. In exercising the City Council's policymaking authority, Councilmembers must often critique, modify, or reject a staff recommendation. While thorough vetting and criticism of staff policy recommendations or decisions is a necessary component of Council's policymaking role, criticism should focus on the policy recommendations and decisions and should avoid personal attacks. Councilmembers shall refrain from publicly criticizing the general abilities, character, or motivations of any staff member and should share any such concerns privately with the City Manager or City Attorney.

#### 6.6 Councilmember Access to Information.

City Councilmembers have free access to the flow of any information related to the operation of the City. The City Manager shall ensure that such information is communicated by staff in full and with candor to the Council. City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full

 Council, along with a statement from that Councilmember as to why the information is needed. A Councilmember may file a request for information by seeking information through a Public Records Act request as any member of the public.

#### 6.7 Authority of City Council.



Nothing in this Manual shall limit the City Council's power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the office of the City Manager. This power cannot be delegated to individual Councilmembers, nor to committees composed of Councilmembers consisting of less than a quorum of the City Council.

### 7. Agendas and Staff Reports

#### 7.1 Future Agenda Items.

The City Manager, the City Attorney, the Mayor, or any two Councilmembers may request that an item be added to a future agenda for Council action. The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items from the list of future agenda items. Any item may be removed from the future agenda items list by a majority vote of the City Council.

At the requestor's discretion, the quarterly report may also include additional information explaining the rationale for or timing of the agenda item.

Under the "Future Agenda Item" section of each regular Council meeting, a document listing all current future agenda requests shall be provided.

#### 7.2 Preparation of Agenda.

The City Clerk shall prepare the agenda in consultation with the City Manager, the Mayor, and the City Attorney. Absent exigent circumstances, an item will be scheduled for Council action no sooner than 14 days after receipt of a request to add the item

to the future agenda items list. Any item requiring preparation of a staff report requires City Manager approval or, in case of a report prepared by City Attorney's Office staff, City Attorney approval, before being added to an agenda. The Mayor, in consultation with the City Manager and the City Clerk, shall determine the order of items on the agenda.

### 7.3 Agenda Item Descriptions.

Each agenda item shall include a brief general description of the matter to be discussed (approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager.

The brief description should be comprehensible by a common resident. For example,

- an amendment to the Municipal Code should include a description of the amendment, rather than only the Code Section to be amended;
- an item related to a development project should include not only the street address, but the common name of the project when applicable;
- The second reading of an ordinance should have the same agenda title as the first reading.

### 7.4 Staff Reports.

Staff reports should include the following sections:

1. Subject
2. Recommended Action
3. Background
4. Reasons for Recommendation and Available Options
5. Sustainability Impact
6. Fiscal Impact
7. California Environmental Quality Act

The "Background" section should include the date, at least the month and the year, previous meetings were held and decisions were made on the item so that the public can easily look the meetings up for reference. When applicable, maps and charts should be provided in the staff report for easy reference.

## 7.5 Agenda Publication.

Agenda packets for a regular meeting should be published and delivered to Councilmembers no later than the Wednesday prior to a Tuesday Council meeting. Councilmembers are encouraged to contact staff in advance for answers to questions regarding an agenda packet. s addressed to Council shall be forwarded to Council and made available to members of the public, consistent with the requirements of the Brown Act.

## 7.6 Supplemental Materials.

Supplemental reports and materials received by the City Clerk after the agenda is published but before 12:00 p.m. on the Monday prior to the City Council meeting shall be published and delivered to Councilmembers at 5:00 p.m. on Monday. Supplemental reports and materials received by the City Clerk after 12:00 p.m. on Monday but before 4:00 p.m. on the day of the meeting shall be published and delivered to Councilmembers prior to the Council meeting. Council questions and staff-prepared responses will be included in supplemental materials provided to Council and the public.

## 7.7 Written Communication.

All written communications on an agenda item sent after the meeting agenda is posted shall be included in the “Written Communications” document of the council meeting. Any written communications on items not on the agenda shall be included in the “Written Communications” document if the sender indicates the desire to be included.

# 8. Meeting Procedures

## 8.1 Meeting Schedule.

The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. At the second regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study

sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to the Brown Act.

#### 8.2 Rules of Order.

City Council meetings shall be governed by Rosenberg's Rules of Order except as otherwise provided by this Manual. Unless otherwise required by state law or City ordinance, decisions of the Council shall be made by a majority of members present and voting. The Mayor may impose additional reasonable procedural rules not inconsistent with Rosenberg's Rules of Order and the provisions of this Manual, unless objected to by a majority of Councilmembers present.

#### 8.3 Order of Business.

The order of agenda items for regular Council meetings is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Closed Session Report
5. Ceremonial Items
6. Postponements and Orders of the Day
7. Oral Communications (public comment on non-agenda matters)
8. Consent Calendar
9. Public Hearings
10. Action Calendar
11. Items Removed from the Consent Calendar
12. City Manager Report
13. Oral Communications (continued)
14. Councilmember Reports
15. Future Agenda Items

## 16. Adjournment

Oral communications shall be limited to 30 minutes. Additional speakers wishing to comment on non-agenda items may be given time to speak at the end of the agenda, after the City Manager's report.

Councilmember Reports shall include Council committee assignments and may include other matters serving the constituents, in addition to,

ceremonial appearances. In the absence of an objection made by a majority of Councilmembers present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings.

### 8.4 Consent Calendar.

#### 8.4.1 Adding Item to Consent Calendar.

The Mayor, the City

Manager, the City Attorney, or the City Clerk may recommend that items appearing on the agenda be placed on the consent calendar for action by the City Council. All items placed on the consent calendar shall appear together on the agenda with the recommendation as to the action to be taken by the City Council with respect to such item. Upon the motion of any member of the City Council, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received the action recommended.

#### 8.4.2 Removing Item from Consent Calendar.

Items may be removed

from the consent calendar by a member of the public or a member of the City Council. To facilitate an efficient meeting, advance notice to the City Manager and the City Clerk by 12:00 p.m. on the day

of the City Council meeting or earlier is appreciated. As a courtesy, the request may include the reason for removing the item and any questions to be addressed.

Items removed from the consent calendar shall be placed on the agenda for consideration after the action calendar.

#### 8.5 Public Comment.

An opportunity for public comment shall be provided for the consent calendar, each other agenda item under consideration, and, during regular meetings, on any matter that is within the subject matter jurisdiction of the City Council. The Mayor may consolidate public comment for related agenda items, subject to overruling by a majority vote of the Council. Nonagenda matters (including Council and staff reports) may be addressed by the public during oral communications. Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk ("blue card") or, where applicable, raise their hand in Zoom within nine minutes of the time the Mayor opens public comment or prior to the close of public comment on the item, whichever is earlier. Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker representing five or more members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to 10 minutes to address the Council. Consolidation of time among speakers is not otherwise allowed. If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator.

#### 8.6 Communications with Members of the Public.

The City Council may



ask questions of speakers providing public comment but should avoid

an extended discussion with members of the public during meetings. Additionally, when a member of the public provides comments regarding a matter that is not on the agenda, Councilmembers may (1) refer the speaker to staff; (2) refer the speaker to appropriate reference material; (3) request that staff report back at a future meeting; or (4) request that staff place the item on a future agenda.

Councilmembers should not otherwise respond to or comment on an item of business that is not on the agenda. City staff should generally avoid responding to comments or questions from members of the public during Council meetings, although the City Manager or City Attorney may offer to arrange a time to discuss the subject matter of public comments with members of the public subsequent to the Council meeting.

## 8.7 Conduct of Meetings

8.7.1 Councilmembers. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord courtesy to each other, to City employees, and to members of the public appearing before the City Council.

8.7.2 City Employees. City staff shall observe the same rules of decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Councilmembers and members of the public.

8.7.3 Members of the Public. Members of the public attending City Council meetings are encouraged to treat Councilmembers, City staff, and other members of the public with the same courtesy that Councilmembers and City staff must accord to them. Any members of the public who engages in conduct that disrupts a City Council meeting shall be removed from the meeting.



Nothing in this Manual or any rules of conduct that may be adopted by the City Council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council, City advisory bodies, or City staff.

## 8.8 Discussion and Deliberation

8.8.1 Ex Parte Contacts. Councilmembers shall disclose any ex parte communications prior to deliberation on a quasi-judicial matter.

A quasijudicial

matter is typically a hearing in which the City

Council hears evidence and makes findings of fact to reach a

conclusion based on the applicable law. An ex parte

communication occurs when a Councilmember hearing a quasi-judicial matter communicates directly or indirectly with any

person or party in connection with a matter before the Council,

without notice and the opportunity for all parties to participate.

8.8.2 Relevance. All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for

the purpose of discussing the pending matter; discussion

which departs from the item agendized for discussion is out of

order. Councilmembers should avoid repetition and shall not

discuss matters that are not on the agenda. Arguments for or

against a measure should be stated as concisely as possible.

8.8.3 Council Questions and Deliberations. Councilmembers may obtain the floor by seeking recognition from the Mayor.

Following presentations to Council on an agenda item,

Councilmembers shall each be given five minutes to ask

questions of any presenter.

To facilitate a cordial and collaborative environment, Councilmembers are encouraged to yield any unused speaking time to colleagues who have already used their allotted time.

The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes.

Unless questions are directed to the City Attorney or the City Manager by a Councilmember, they should seek recognition from the Mayor before taking the floor.

The Mayor may allow additional time for deliberations where appropriate. This rule shall displace any conflicting rule in the City's adopted rules of procedure.

8.8.4 Opportunity for Equal Participation. It is the policy of the Council to encourage the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.

8.8.5 Civility. While it is appropriate to vigorously debate a motion, its nature, or its consequences, Councilmembers shall avoid attacks on the motives, character, or personality of other Councilmembers, City staff, and members of the public. The Mayor shall rule out of order any Councilmember who engages in such attacks.

8.8.6 Role of the Mayor. The Mayor has the responsibility for controlling and expediting the discussion of an agenda item. It is

the duty of the Mayor to keep the subject clearly before the Councilmembers, to rule out irrelevant discussion, and to ensure civil discussion among Councilmembers.

8.9 Meeting Length. Meetings of the City Council shall adjourn by 11:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after 10:30 p.m. Any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past 11:00 p.m., it shall end at 11:30 p.m. All meetings shall be adjourned at 11:30 p.m. unless by a vote of a majority of the City Council suspends this rule and Council votes affirmatively to extend reserved to the Council by law. This authority extends throughout the period of recess established by the City Council and includes the authority to execute agreements and make expenditures necessary for the exigent operational matters. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required to ratify the actions of the City Manager. Nothing in this Section prevents the City Council from calling a special meeting during the recess period.

## 9. Closed Sessions

A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act. The City Attorney will schedule closed session meetings in consultation with the Mayor and the City Manager. Public comment shall be received in open session prior to a closed session. To ensure strict compliance with the Brown Act, the City Attorney

or the City Attorney's designee shall report out in public session any reportable action taken during closed session and any other information from closed session authorized to be disclosed based on a majority vote of the City Council.

#### 10. Enforcement of Rules; Suspension of Rules

The City Council may enforce repeated or serious violations of the rules set forth in this Manual through a censure action placed on a Council agenda. Nothing in this Manual shall be cited to invalidate a properly noticed and acted upon action of the City Council. Any rule set forth in this Manual may be suspended by a three votes of the Council.

#### 11. Information Memos

11.1 Information Memos by Staff. Two Councilmembers may request an information memo to be provided on any issue pertain to the City business. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.

11.2 Information Memos by Councilmembers. Individual Councilmembers may prepare information memos for inclusion in their Council Activity Reports. Through these memos, Councilmembers can share any information they have received—whether from staff or other sources—with their fellow Councilmembers and the public, thereby enhancing transparency and accountability in City operations. The memos shall not include information which is protected by law from disclosure.

**From:** [Peggy Griffin](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#)  
**Subject:** 2025-02-04 City Council Meeting - ITEM 12 Study Session-Revise CC Procedure Manual  
**Date:** Sunday, February 2, 2025 11:51:59 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE INCLUDE THIS EMAIL AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE MEETING AGENDA ITEM.

Dear Mayor Chao, Vice Mayor Moore and Councilmembers,

This is a great time to review the Cupertino City Council Procedures Manual. Please consider making revisions to the following items listed below. I have placed a “\*\*\*” in front of the items I feel most strongly about.

1. FIX Section 2.2, last sentence
  - a. needs to be completed. “If either officer is removed from office, the Vice Mayor...”
2. Section 4.5 Removal of commission members
  - a. Change it to have the City Clerk provide a recommendation to Council for removal of commission members for failure to comply with attendance policies but leave the final decision to Council.
3. Section 5.6 Council Training
  - a. add Brown Act and Rosenberg’s Rules of Order training along with yearly updates when changes take effect.
4. **\*\*Section 7.5 Agenda Publication**
  - a. Add a statement that ALL written communications will be published, even for Oral Communications.
  - b. Add a statement that written communication will be posted by 5pm before the 6:45pm Council meeting and updated and posted the next day with any additional comments received.
5. Section 8.1 Meeting Schedule
  - a. In December, at the first meeting following the election of the new Mayor the following should be done
    - i. The Council sets the meeting schedule for the upcoming year.
    - ii. The Mayor assigns commission assignments.
6. **\*\*Section 8.5 Public Comment (combining speaker times)**
  - a. Remove the requirement that to combine public speaker time you must have 5 people.
  - b. Instead, allow 2-5 people to combine their times. When this is done, the combined time is 2minutes per person.
    - i. Example1: 2 people combining their time would get 2minutes \* 2 people =

4minutes

- ii. Example2: 5 people combining their time would get 2 minutes \* 5 = 10 minutes

7. Section 8.8.3 Council Deliberations

- a. Allow actual discussion and exchange of ideas – more flexibility. Mayor Chao has done well managing this so far.

8. **\*\*ADD a Section “No Texting On The Dais”**

- a. For anyone on the dais (staff and all Councilmembers) - All cell phones and messaging apps on computers must be OFF during all meetings. Cell phones need to be put away completely. This prevents private communications between Councilmembers, staff and the public.

9. FIX Section 8.9, last sentence on page 13 does not make sense as it flows onto page 14.

- a. It’s like they are talking about 2 different situations. One is the extension of a meeting. The other is what happens during the August recess.

10. Section 10 Enforcement of Rules

- a. Define the levels of violation, proof required, noticing/rebuttal and the consequences of each.

11. Clarify the process for meetings that occur after a Monday holiday.

- a. Does the Council meeting still happen on Tuesday? If so,
  - i. when is the agenda posted
  - ii. when do questions have to be submitted to be answered?

12. **\*\*ADD a Section**

- a. Prohibiting staff from going on overseas travel paid for by city funds and/or using city work time.

13. Section ? – there is a section in the procedure manual that overrides the Rosenberg’s Rules of Order.

- a. I suggest removing that change and going strictly by Rosenberg’s Rules of Order.
- b. Following these sets of rules means that a new Councilmember or commissioner who isn’t familiar with the rules can go online and find a video or training session to learn about them without having to worry about what exceptions to the rules are being used by Cupertino.

Sincerely,  
Peggy Griffin

**From:** [Liang Chao](#)  
**To:** [City Clerk](#)  
**Subject:** Fw: Proposed revision for the council procedures manual  
**Date:** Tuesday, February 4, 2025 9:30:57 AM  
**Attachments:** [2025-02-04 Revision to Council Procedures Manual.pdf](#)

---

Here is my proposed revisions for the council procedures manual in slide format with one change per slide. Please enter this into the written communication of this item.



**Liang Chao**  
Mayor  
City Council  
LChao@cupertino.gov  
408-777-3192

						
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# Revision to Council Procedures Manual

2025-02-03



# Expense Reporting Policy NOT FOLLOWED?

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 3

## TRAINING AND CONFERENCES

### VIII. REPORTS TO CITY COUNCIL OR COMMISSIONS

At the next regular City Council or commission meeting, each councilmember or commissioner shall briefly report on publicly noticed meetings attended at City expense. If multiple members attended the meeting, a joint report may be made.

**CONFIRM: “CM shall keep Council informed of the City response”**

#### **5.4 Responses to Public.**

It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and **the City Manager shall keep Council informed of the City response.**[LC1]

[LC1] It seems the responses to residents have not been forwarded to Councilmembers in practice. I seem to have to request that the city’s response is forwarded to me.

## CONFIRM: CM shall place requests on Agenda

**6.6 Councilmember Access to Information.** ....it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. **The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.**

# L1. REMOVE: No Good Reason to include these

2.1 Selection of Mayor and Vice Mayor. The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December.

~~The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor.~~

4.4 Appointment. Commission and Committee applicants will be interviewed by the Council ... Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee. ~~Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.~~

## L2. REPLACE: Commission Removal by Council Approval

4.5 Removal. The City Clerk shall ~~remove~~ notify the Council and make recommendation for potential removal of commission members for failure to comply with attendance policies adopted in the Commissioner's Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.

[LC1]The Commissioners serve at the pleasure of the Council. The Council should be the one who remove commissioners, in case there are special circumstances to be considered.

## L3. ADD: keep alternate informed of all correspondences

### 5.3 Regional Bodies.

The Mayor shall appoint Councilmembers to represent the City of Cupertino on ....

If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend. To ensure continuity of the City's representation, the alternate should receive all correspondence from the regional bodies that is also sent to the primary.

[LC1] For example, making such a request to the regional bodies and some already has such practices, such as the Valley Water. In case a regional body is unable to fulfill the request, the primary might forward the correspondences to the alternate, for example.

## L4. ADD: Brown Act and Rosenberg's Rule training

5.6 Council Training. Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law and the Brown Act and Rosenberg's Rule of Order training. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law.

## L5. ADD: CM provides options (ICMA suggestion)

6.2 Council/Manager Form of Government. Under the Council/Manager form of government, the City Council sets policy direction as the direct representatives of the community. To enable the City Council to make informed decisions while weighing community input, the City Manager provides staff recommendations and presents options, along with their associated pros and cons. The City Manager provides the professional expertise to manage the organization.

[LC1] In the first question of the City Manager performance survey from the facilitator Nadine Levin, which I was told is from ICMA, one of the list of “**Indicators to consider for successful performance**” for the City Manager is “**Provides staff recommendations and gives the Council options**”.



# Indicators to consider for successful performance: (from ICMA City Manager Evaluation

## The City Manager:

- · Acts to encourage mutual honesty, respect, and trust
- · Facilitates open two-way communications
- · Provides for direct contact with each Councilmember that is tailored to the individual preferences and needs of each Councilmember
- · Takes direction from the Council as a whole
- · Provides staff recommendations and gives the Council options
- · Is responsive to Council requests and needs
- · Provides a high level of information to Council relating to City programs, services and issues, keeping them well-informed
- · Effectively carries out Council policy direction and provides assistance in policy facilitation
- · Acts with integrity in working with the Council
- · Helps Councilmembers field issues and concerns
- · Provides leadership on significant issues or crises
- · Maintains order, professionalism, and confidence during difficult times

## L6. ADD: Assume suggestion, rather than instruction

**6.3 Council-Manager Relations.** The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the ... and no individual Councilmember shall give any instructions to the City Manager. In the event that any suggestion or comment from an individual Councilmember might be perceived as an instruction by the City Manager or any staff, the City Manager/staff should assume positive intent and treat it as a suggestion or comment.[LC1]

[LC1]This is intended to facilitate positive Council-staff relationship so that one does not assume guilt on any party based on someone's perception, which might differ from the actual intent of any councilmember. When in doubt, whether any comment is an instruction or merely a suggestion, just assume it is a suggestion only so that the staff can feel free to decide whether to accept the suggestion or not at all.

## L7. REPLACE: Council may file PRA Request

**6.6 Councilmember Access to Information.** ....it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed. ~~No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.~~ A Councilmember may file a request for information by seeking information through a Public Records Act request as any member of the public.

[LC1] In response to any Public Record request, the city would only do a record search of any existing documents, which should not take any significant city staff time.

This PR request is different from information requested by a City Councilmember. In case the information requested already exists in any document, I am sure the City Manager would have provided it in a timely manner as it would not require significant workload. I suppose that significant workload would only be necessary if the information requested is not readily available.

Thus, I do not see any need to restrict any councilmember from filing PR requests.

## L8. REPLACE: Two proposals: add rationale and add to agenda

7.1 Future Agenda Items. The City Manager, the City Attorney, the Mayor, or any two Councilmembers may request that an item be added to a future agenda for Council action. The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items from the list of future agenda items. ~~Any item may be removed for the future agenda items list by a majority vote of the City Council.~~

At the requestor's discretion, the agenda request may also include additional information explaining the rationale for or timing of the agenda item.

Under the "Future Agenda Item" section of each regular Council meeting, a document listing all current future agenda requests shall be provided.

## L9. ADD: Meaningful description and include budget update

7.3 Agenda Item Descriptions. Each agenda item shall include a brief general description of the matter to be discussed ( approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager.

If the item includes any budget request or modification, the amount should be specified for transparency when possible.

The brief description should be comprehensible by a common resident. For example,

- an amendment to the Municipal Code should include a description of the amendment, rather than only the Code Section to be amended;
- an item related to a development project should include not only the street address, but the common name of the project when applicable;
- The second reading of an ordinance should have the same agenda title as the first reading.

# L10. ADD: Staff Report to include dates of past meetings and maps etc

## 7.4 Staff Reports.

Staff reports should include the following sections:

1. Subject
2. Recommended Action
3. Background
4. Reasons for Recommendation and Available Options
5. Sustainability Impact
6. Fiscal Impact
7. California Environmental Quality Act

The “Background” section should include the date, at least the month and the year, previous meetings were held and decisions were made on the item so that the public can easily look the meetings up for reference. When applicable, maps and charts should be provided in the staff report for easy reference.

[LC1]The staff report has always provided great background information in previous years, especially dates the item were on the Council agenda in the past and I have been able to find out more about the background of a project through.

But the practice has not been consistent. So, I thought it's worthwhile to document the existing best practice.

# L11. ADD 7.7: Written Communication

## 7.7 Written Communication.

All written communications on an agenda item sent after the meeting agenda is posted shall be included in the “Written Communications” document of the council meeting. Any written communications on items not on the agenda shall be included in the “Written Communications” document if the sender indicates the desire to be included.

Written communication will be posted by 5pm before the 6:45pm Council meeting and updated and posted the next day with any additional comments received.

[LC]: It has been the long-standing practice in Cupertino that the city clerk will include all written communications for non-agenda items. No need to change the practice.

## L12. ADD: When “regular” council meeting is moved to Wednesday.... It shall be treated like a regular council meeting

8.1 Meeting Schedule. The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. ~~At~~ Prior to the second regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study sessions....

8.1.1 When a regular council meeting is moved to Wednesday, the agenda shall be published the prior Wednesday and the meeting shall start at 6:45pm and include all items as a regular council meeting.



## L13. ADD: Council Report may include matters serving constituents

8.3 Order of Business. The order of agenda items for regular Council meetings is as follows:

...

13. Oral Communications (continued)

14. Councilmember Reports

15. Future Agenda Items

Oral communications shall be limited to 30 minutes. ...

Councilmember Reports should ~~focus on~~ include Council committee assignments and may include other matters serving the constituents, in addition to, ceremonial appearances. In the absence of an objection made by a majority of Councilmembers present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings.

## L14. REPLACE: Anyone can pull items. Advanced notice is appreciated.

~~8.4.2 Removing Item from Consent Calendar. Items may be removed from the consent calendar only by a member of the City Council. Any member of the City Council who would like to remove any item from the consent calendar shall notify the City Manager and the City Clerk no later than 12:00 p.m. on the day of the City Council meeting.~~ Items may be removed from the consent calendar by a member of the public or a member of the City Council. To facilitate an efficient meeting, advance notice to the City Manager and the City Clerk by 12:00 p.m. on the day of the City Council meeting or earlier is appreciated.

[LC1] It is a long-standing practice in Cupertino that any member of the public may pull an item off the Consent Calendar at a Council meeting without any advance notice.

I have asked around and found that Sunnyvale, Santa Clara and Fremont have the same practice as Cupertino used to have. Anyone can pull an item off the Consent Agenda without any advanced notice.

## L15. REPLACE: Remove limit that only 5-person group may combine time

8.5 Public Comment. An opportunity for public comment shall be provided ... If a speaker representing ~~five or more~~two up to five members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have the combined time of two minutes per member, up to 10 minutes, to address the Council. Consolidation of time among speakers is not otherwise allowed. If a large number of speakers wish to address Council on an item,...

## L16. ADD: Councilmember yield time to each other

8.8.3 Council Questions and Deliberations. Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item. Councilmembers are encouraged to yield any unused speaking time to colleagues who have already used their allotted time. Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. time for questions where appropriate. ...

[LC] This was the practice under Mayor Darcy Paul and it builds positive relationship between councilmembers to show the willingness to hear each other out.

## L17. REPLACE: Encourage meaningful discussion

### 8.8.3 Council Questions and Deliberations. ....

Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes, ~~but may reserve any portion of their time for further questions or deliberations, as applicable, by advising the Mayor before yielding the floor.~~ The Mayor may allow additional time for deliberations where appropriate. ~~This rule shall displace any conflicting rule in the City's adopted rules of procedure.~~ to encourage meaningful discussion and exchange of ideas.

[LC] This was the practice under Mayor Darcy Paul and it builds positive relationship between councilmembers to show the willingness to hear each other out.

# L18. ADD: Access to Closed session materials

## 9. Closed Sessions

9.1 A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act....

9.2 Any documents referenced or presented during closed sessions shall be shared with councilmembers upon request, and shared in the same manner as other closed session materials for confidentiality.

[LC] The City Manager does not have the discretion to decide what materials to share with the councilmembers or not. As long as proper measures are taken to ensure confidentiality as other closed session materials.

## L18. New Item: 11.1 Info Memos

### 11. Information Memos

11.1 Information Memos by Staff. Two Councilmembers may request an information memo to be provided on any issue pertain to the City business. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.

# L19. New Item: 11.2 Info Memos by Councilmembers

11.2 Information Memos by Councilmembers. Individual Councilmembers may prepare information memos for inclusion in their Council Activity Reports. Through these memos, Councilmembers can share any information they have received—whether from staff or other sources—with their fellow Councilmembers and the public, thereby enhancing transparency and accountability in City operations. The memos shall not include information which is protected by law from disclosure.

[LC1]This is a new proposal, which is intended to facility more transparency and accountability. Often each Councilmember pays attention in different areas of the City. One Councilmember may find valuable information that he/she wishes to share with other Councilmembers and members of the public.

The current practice is that a Councilmember can only submit a written communication which might be buried with other written communications. Thus, I am proposal a method to improve visibility of such info memos by Councilmembers.

I understand that the memos would likely include opinions and information which might be confidential. Thus, the memo would require the City Attorney to review for its suitability for publication.

The City Attorney could propose a feasible implementation method, such as the memos must be submitted by a certain date for inclusion in the Councilmember Activity Report.



**From:** [Peggy Griffin](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#)  
**Subject:** 2025-02-04 City Council Meeting Agenda ITEM 12 - Study Session to Revise City Council Procedure Manual  
**Date:** Tuesday, February 4, 2025 3:31:24 PM  
**Attachments:** [2025-02-04 CC Mtg ITEM 12-Mayor Chaos suggestions.pdf](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PLEASE INCLUDE THIS EMAIL AND THE ATTACHMENT AS PART OF WRITTEN COMMUNICATIONS FOR THE ABOVE CITY COUNCIL MEETING AGENDA ITEM.

Dear Mayor Chao, Vice Mayor Moore, Councilmembers and Staff,

I went through Mayor Chao's suggested changes in the Written Communications document for the 2-4-2025 City Council Meeting Agenda Item 12 – Study Session to Revise Council Procedure Manual. Her changes were not highlighted and the comments were not visible without scrolling interactively through the Written Communications PDF document.

To identify her suggestions, I visually compared her document against Attachment A – Resolution No. 24-024 (Cupertino City Council Procedures Manual).pdf.

The attached PDF contains what I found to be her suggestions on changes, additions, corrections and comments.

I FULLY SUPPORT ALL THESE REVISIONS and thank Mayor Chao for taking the time to submit them as part of Written Communications.

Sincerely,  
Peggy Griffin

## 2-4-2025 City Council Meeting, Agenda Item 12 Study Session to Revise the City Council Procedure Manual

Dear Mayor Chao, Vice Mayor Moore, Councilmembers and Staff,

I went through Mayor Chao's suggested changes in the Written Communications document for the 2-4-2025 City Council Meeting Agenda Item 12 – Study Session to Revise Council Procedure Manual. Her changes were not highlighted and the comments were not visible without scrolling interactively through the Written Communications PDF document.

To identify her suggestions, I visually compared her document against Attachment A – Resolution No. 24-024 (Cupertino City Council Procedures Manual).pdf.

The attached PDF contains what I found to be her suggestions on changes, additions, corrections and comments.

I FULLY SUPPORT ALL THESE REVISIONS and thank Mayor Chao for taking the time to submit them as part of Written Communications.

Sincerely,  
Peggy Griffin

### **Mayor Chao's suggested changes, additions, corrections and comments:**

- **CONSIDER A CHANGE to Section 2.1 Selection of Mayor and Vice Mayor**

To be considered in the future, when the Mayor is selected on the Thursday right before the second December council meeting, it leaves only two working days. The new Mayor would not be able to set the agenda for the first meeting of the new Mayor. This is awkward. In previous years, the swearing-in ceremony usually happens as soon as the election result is certified, which is normally Dec. 5.

- **FIX Section 2.2 Removal of Mayor and Vice Mayor**
  - Unfinished sentence at the end
- **CHANGE Section 4.5 Removal [from City Commissions and Committees]**

The Commissioners serve at the pleasure of the Council. The Council should be the one who remove commissioners, in case there are special circumstances to be considered.

- **QUESTION on Section 5.1 Attendance**

What does this mean? "Council attendance will be noted in the agenda..."  
Did we implement this last year?

- **ADD to Section 5.3 Regional Bodies**

- Add to the very end of this section the following sentence (in RED)

**5.3 Regional Bodies.**

The Mayor shall appoint Councilmembers to represent the City of Cupertino on regional bodies subject to ratification by the Council at its next regular meeting. The Mayor should endeavor to provide all Councilmembers a fair opportunity to represent the City. The positions taken by the appointed representatives should be in alignment with the positions that Council has taken on issues that directly impact the City of Cupertino. If an issue arises that is specific to Cupertino and Council has not taken a position, the issue should be discussed by Council prior to taking a formal position at a regional board meeting to assure that it is in alignment with Council's position. Council representatives to such various boards shall keep the Council

---

informed of ongoing business through brief oral or written reports to the Council. Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend. To ensure continuity of the City's representation, the alternate should receive all correspondence from the regional bodies that is also sent to the primary.

- **COMMENT on Section 5.4 Responses to Public**

It seems the responses to residents have not been forwarded to Councilmembers in practice. I seem to have to request that the city's response is forwarded to me.

- **ADD in Section 6.2 Council/Manager Form of Government**

6.2 Council/Manager Form of Government.  
Under the Council/Manager

form of government, the City Council sets policy direction as the direct representatives of the community.

To enable the City Council to make informed decisions while weighing community input, the City Manager provides staff recommendations and presents options, along with their associated pros and cons.

The City Manager provides the professional expertise to manage the organization.

- **COMMENT ADDED**

In the first question of the City Manager performance survey from the facilitator Nadine Levin, which I was told is from ICMA, one of the list of "Indicators to consider for successful performance" for the City Manager is "Provides staff recommendations and gives the Council options".

Here is the full list from ICMA:

Indicators to consider for successful performance:

The City Manager:  
Acts to encourage mutual honesty, respect, and trust  
Facilitates open two-way communications  
Provides for direct contact with each Councilmember



that is tailored to the individual preferences and needs of each Councilmember  
Takes direction from the Council as a whole  
Provides staff recommendations and gives the Council options  
Is responsive to Council requests and needs  
Provides a high level of information to Council relating to City programs, services and issues, keeping them well-informed  
Effectively carries out Council policy direction and provides assistance in policy facilitation  
Acts with integrity in working with the Council  
Helps Councilmembers field issues and concerns  
Provides leadership on significant issues or crises  
Maintains order, professionalism, and confidence during difficult times

- **ADD to the end of Section 6.3 Council-Manager Relations**

- Add sentence in YELLOW

**6.3 Council-Manager Relations.**

The City Council and its members

shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any Councilmember shall give orders to any subordinates of the City Manager. The City Manager shall take instructions from the City Council only when given at a duly held meeting of the City Council, and no individual Councilmember

shall give any instructions to the City Manager. In the event that any suggestion or comment from an individual Councilmember might be perceived as an instruction by the City Manager or any staff, the City Manager/staff should assume positive intent and treat it as a suggestion or comment.

**COMMENT FROM MAYOR CHAO regarding above change**

This is intended to facilitate positive Council-staff relationship so that one does not assume guilt on any party based on someone's perception, which might differ from the actual intent of any councilmember.

When in doubt, whether any comment is an instruction or merely a suggestion, just assume it is a suggestion only so that the staff can feel free to decide whether to accept the suggestion or not at all.

- **CHANGE Section 6.6 Councilmember Access to Information**
  - CHANGE to allow a Councilmember to file a request of information
- **ADD to Section 7.3 Agenda Item Descriptions**
  - ADD

#### 7.4 Staff Reports.

Staff reports should include the following sections:

1. Subject
2. Recommended Action
3. Background
4. Reasons for Recommendation and Available Options
5. Sustainability Impact
6. Fiscal Impact
7. California Environmental Quality Act

The "Background" section should include the date, at least the month and the year, previous meetings were held and decisions were made on the item so that the public can easily look the meetings up for reference. When applicable, maps and charts should be provided in the staff report for easy reference.

- **ADD Section 7.7 Written Communication**

#### 7.7 Written Communication.

All written communications on an agenda item sent after the meeting agenda is posted shall be included in the "Written Communications" document of the council meeting. Any written communications on items not on the agenda shall be included in the "Written Communications" document if the sender indicates the desire to be included.

- **CHANGE Section 8.4.2 Removing Item from Consent Calendar**

8.4.2 Removing Item from Consent Calendar:

Items may be removed

from the consent calendar by a member of the public or a member of the City

Council. To facilitate an efficient meeting, advance notice to the City

Manager and the City Clerk by 12:00 p.m. on the day

of the City Council meeting or earlier is appreciated. As a courtesy, the request may include the reason for removing the item and any questions to be addressed.

---

Items removed from the consent

calendar shall be placed on the agenda for consideration after

the action calendar.



- **ADD 2 sentences to Section 8.8.3 Council Questions and Deliberations to clarify**

**8.8.3 Council Questions and Deliberations.** Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter.

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To facilitate a cordial and collaborative environment, Councilmembers are encouraged to yield any unused speaking time to colleagues who have already used their allotted time.

The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes.

Unless questions are directed to the City Attorney or the City Manager by a Councilmember, they should seek recognition from the Mayor before taking the floor.

The Mayor may allow additional time for deliberations where appropriate. This rule shall displace any conflicting rule in the City's adopted rules of procedure.

- **ADD Section 11. Informational Memos**

**11. Information Memos**

**11.1 Information Memos by Staff.** Two Councilmembers may request an information memo to be provided on any issue pertain to the City business. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.

**11.2 Information Memos by Councilmembers.** Individual Councilmembers may prepare information memos for inclusion in their Council Activity Reports. Through these memos, Councilmembers can share any information they have received—whether from staff or other sources—with their fellow Councilmembers and the public, thereby enhancing transparency and accountability in City operations. The memos shall not include information which is protected by law from disclosure.



**From:** [Rhoda Fry](#)  
**To:** [City Clerk](#); [City Council](#)  
**Subject:** Feb 4 2025 #12 council procedures  
**Date:** Tuesday, February 4, 2025 6:52:44 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Feb 4 2025 #12 council procedures

Dear City Council,

There are too many study sessions tonight!!!

Ideas on procedural changes:

1. Allow a council member to be mayor on consecutive years
2. Allow discussion of informational items
3. Put informational memos on the council agenda so they can be discussed if needed and easily found
4. Add more responsibility to audit committee
5. Bring back the enviro committee, legislative, and economic development among others
6. Allow the public to remove consent items from consent calendar
7. Allow a speaker to have a third more time up to 10 minutes depending on how many people are added. Hung Wei actually tried to put this one when it was discussed a long time ago. 1 person up to 4 minutes, 2 people get 6 minutes, 3 people up to 8, 4 people up to 10 minutes etc... but there's an easy way to do this.

I agree with EVERYTHING PEGGY GRIFFIN SAYS!!!

Thanks,

Rhoda Fry

**From:** [Lisa Warren](#)  
**To:** [City Council](#)  
**Cc:** [City Clerk](#)  
**Subject:** City Council Mtg Agenda comments Feb 4, 2025 Item #12  
**Date:** Tuesday, February 4, 2025 4:16:30 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor, Vice Mayor and City Council members.

I believe that it is in the best interest of our community to change some of the current ways that CC meetings are organized and run. Including agenda creation. I am asking that you consider improving what is now in place. A discussion about restoring some of what we lost within the last 2 years would be very important.

- Members of the 'public' should be allowed to PULL Consent items again as was the case in the past.
- 'Informational Memos' should surely appear on published agendas. Members of the public should have a mechanism to publicly comment on them during any meeting with agendized memos.
- All written communications, even on non-agenda items, must be included in the Written Communications collection. This should include making all comments available in written communications in the 'archives' for all comments made prior to the meeting, not only the comments received pre 'deadline' for posting on meeting day.

I STRONGLY feel that personal, or 'city issued' cellular phones should NOT be allowed during meetings. This includes Council member AND Staff.

We need to do everything possible to restore and improve transparency. Your 'constituents' ARE very clear on this matter.

Thank you.

Lisa Warren

# Revision to Council Procedures Manual

2025-02-04 (Revised at 5:44pm)

# Expense Reporting Policy NOT FOLLOWED?

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 3

## TRAINING AND CONFERENCES

### VIII. REPORTS TO CITY COUNCIL OR COMMISSIONS

At the next regular City Council or commission meeting, each councilmember or commissioner shall briefly report on publicly noticed meetings attended at City expense. If multiple members attended the meeting, a joint report may be made.

**CONFIRM: “CM shall keep Council informed of the City response”**

#### **5.4 Responses to Public.**

It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and **the City Manager shall keep Council informed of the City response.**[LC1]

[LC1] It seems the responses to residents have not been forwarded to Councilmembers in practice. I seem to have to request that the city’s response is forwarded to me.

## CONFIRM: CM shall place requests on Agenda

**6.6 Councilmember Access to Information.** ....it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. **The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.**

# L1. REMOVE: No Good Reason to include these

2.1 Selection of Mayor and Vice Mayor. The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December.

~~The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor.~~

4.4 Appointment. Commission and Committee applicants will be interviewed by the Council ... Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee. ~~Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.~~

## L2. REPLACE: Commission Removal by Council Approval

4.5 Removal. The City Clerk shall ~~remove~~ notify the Council and make recommendation for potential removal of commission members for failure to comply with attendance policies adopted in the Commissioner's Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.

[LC1]The Commissioners serve at the pleasure of the Council. The Council should be the one who remove commissioners, in case there are special circumstances to be considered.



## L3. ADD: keep alternate informed of all correspondences

### 5.3 Regional Bodies.

The Mayor shall appoint Councilmembers to represent the City of Cupertino on ....

If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend. To ensure continuity of the City's representation, the alternate should receive all correspondence from the regional bodies that is also sent to the primary.

[LC1] For example, making such a request to the regional bodies and some already has such practices, such as the Valley Water. In case a regional body is unable to fulfill the request, the primary might forward the correspondences to the alternate, for example.

## L4. ADD: Brown Act and Rosenberg's Rule training

5.6 Council Training. Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law and the Brown Act and Rosenberg's Rule of Order training. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law.

## L5. ADD: CM provides options (ICMA suggestion)

6.2 Council/Manager Form of Government. Under the Council/Manager form of government, the City Council sets policy direction as the direct representatives of the community. To enable the City Council to make informed decisions while weighing community input, the City Manager provides staff recommendations and presents options, along with their associated pros and cons. The City Manager provides the professional expertise to manage the organization.

[LC1] In the first question of the City Manager performance survey from the facilitator Nadine Levin, which I was told is from ICMA, one of the list of “**Indicators to consider for successful performance**” for the City Manager is “**Provides staff recommendations and gives the Council options**”.

# Indicators to consider for successful performance: (from ICMA City Manager Evaluation

## The City Manager:

- · Acts to encourage mutual honesty, respect, and trust
- · Facilitates open two-way communications
- · Provides for direct contact with each Councilmember that is tailored to the individual preferences and needs of each Councilmember
- · Takes direction from the Council as a whole
- · Provides staff recommendations and gives the Council options
- · Is responsive to Council requests and needs
- · Provides a high level of information to Council relating to City programs, services and issues, keeping them well-informed
- · Effectively carries out Council policy direction and provides assistance in policy facilitation
- · Acts with integrity in working with the Council
- · Helps Councilmembers field issues and concerns
- · Provides leadership on significant issues or crises
- · Maintains order, professionalism, and confidence during difficult times

## L6. ADD: Assume suggestion, rather than instruction

**6.3 Council-Manager Relations.** The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the ... and no individual Councilmember shall give any instructions to the City Manager. In the event that any suggestion or comment from an individual Councilmember might be perceived as an instruction by the City Manager or any staff, the City Manager/staff should assume positive intent and treat it as a suggestion or comment.[LC1]

[LC1]This is intended to facilitate positive Council-staff relationship so that one does not assume guilt on any party based on someone's perception, which might differ from the actual intent of any councilmember. When in doubt, whether any comment is an instruction or merely a suggestion, just assume it is a suggestion only so that the staff can feel free to decide whether to accept the suggestion or not at all.

## L7. REPLACE: Council may file PRA Request

**6.6 Councilmember Access to Information.** ....it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed. ~~No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.~~ A Councilmember may file a request for information by seeking information through a Public Records Act request as any member of the public.

[LC1] In response to any Public Record request, the city would only do a record search of any existing documents, which should not take any significant city staff time.

This PR request is different from information requested by a City Councilmember. In case the information requested already exists in any document, I am sure the City Manager would have provided it in a timely manner as it would not require significant workload. I suppose that significant workload would only be necessary if the information requested is not readily available.

Thus, I do not see any need to restrict any councilmember from filing PR requests.

## L8. REPLACE: Two proposals: add rationale and add to agenda

7.1 Future Agenda Items. The City Manager, the City Attorney, the Mayor, or any two Councilmembers may request that an item be added to a future agenda for Council action. The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items from the list of future agenda items. ~~Any item may be removed for the future agenda items list by a majority vote of the City Council.~~

At the requestor's discretion, the agenda request may also include additional information explaining the rationale for or timing of the agenda item.

Under the "Future Agenda Item" section of each regular Council meeting, a document listing all current future agenda requests shall be provided.

## L9. ADD: Meaningful description and include budget update

7.3 Agenda Item Descriptions. Each agenda item shall include a brief general description of the matter to be discussed ( approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager.

If the item includes any budget request or modification, the amount should be specified for transparency when possible.

The brief description should be comprehensible by a common resident. For example,

- an amendment to the Municipal Code should include a description of the amendment, rather than only the Code Section to be amended;
- an item related to a development project should include not only the street address, but the common name of the project when applicable;
- The second reading of an ordinance should have the same agenda title as the first reading.



# L10. ADD: Staff Report to include dates of past meetings and maps etc

## 7.4 Staff Reports.

Staff reports should include the following sections:

1. Subject
2. Recommended Action
3. Background
4. Reasons for Recommendation and Available Options
5. Sustainability Impact
6. Fiscal Impact
7. California Environmental Quality Act

The “Background” section should include the date, at least the month and the year, previous meetings were held and decisions were made on the item so that the public can easily look the meetings up for reference. When applicable, maps and charts should be provided in the staff report for easy reference.

[LC1]The staff report has always provided great background information in previous years, especially dates the item were on the Council agenda in the past and I have been able to find out more about the background of a project through.

But the practice has not been consistent. So, I thought it's worthwhile to document the existing best practice.

# L11. ADD 7.7: Written Communication

## 7.7 Written Communication.

All written communications on an agenda item sent after the meeting agenda is posted shall be included in the “Written Communications” document of the council meeting. Any written communications on items not on the agenda shall be included in the “Written Communications” document if the sender indicates the desire to be included.

Written communication will be posted by 5pm before the 6:45pm Council meeting and updated and posted the next day with any additional comments received.

[LC]: It has been the long-standing practice in Cupertino that the city clerk will include all written communications for non-agenda items. No need to change the practice.

## L12. ADD: When “regular” council meeting is moved to Wednesday.... It shall be treated like a regular council meeting

8.1 Meeting Schedule. The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. ~~At~~ Prior to the second regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study sessions....

8.1.1 When a regular council meeting is moved to Wednesday, the agenda shall be published the prior Wednesday and the meeting shall start at 6:45pm and include all items as a regular council meeting.

L13A. ADD: Add Info Memos to Council agenda

L13B. ADD: Council Report may include matters serving constituents;

8.3 Order of Business. The order of agenda items for regular Council meetings is as follows:

...

13. Oral Communications (continued)

14. Councilmember Reports

15. Information Memos

~~15.~~ 16. Future Agenda Items

Oral communications shall be limited to 30 minutes. ...

Councilmember Reports should ~~focus on~~ include Council committee assignments and may include other matters serving the constituents, in addition to, ceremonial appearances. **[L13A]**

The information memos, as described in Section 11, include additional documents requested by councilmembers for past or future agenda items. **[L13]** In the absence of an objection made by a majority of Councilmembers present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings.

## L14. REPLACE: Anyone can pull items. Advanced notice is appreciated.

~~8.4.2 Removing Item from Consent Calendar. Items may be removed from the consent calendar only by a member of the City Council. Any member of the City Council who would like to remove any item from the consent calendar shall notify the City Manager and the City Clerk no later than 12:00 p.m. on the day of the City Council meeting.~~ Items may be removed from the consent calendar by a member of the public or a member of the City Council. To facilitate an efficient meeting, advance notice to the City Manager and the City Clerk by 12:00 p.m. on the day of the City Council meeting or earlier is appreciated.

[LC1] It is a long-standing practice in Cupertino that any member of the public may pull an item off the Consent Calendar at a Council meeting without any advance notice.

I have asked around and found that Sunnyvale, Santa Clara and Fremont have the same practice as Cupertino used to have. Anyone can pull an item off the Consent Agenda without any advanced notice.

## L15. REPLACE: Remove limit that only 5-person group may combine time

8.5 Public Comment. An opportunity for public comment shall be provided ... If a speaker representing ~~five or more~~two up to five members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have the combined time of two minutes per member, up to 10 minutes, to address the Council. Consolidation of time among speakers is not otherwise allowed. If a large number of speakers wish to address Council on an item,...

## L16. ADD: Councilmember yield time to each other

8.8.3 Council Questions and Deliberations. Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item. Councilmembers are encouraged to yield any unused speaking time to colleagues who have already used their allotted time. Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. time for questions where appropriate. ...

[LC] This was the practice under Mayor Darcy Paul and it builds positive relationship between councilmembers to show the willingness to hear each other out.

## L17. REPLACE: Encourage meaningful discussion

### 8.8.3 Council Questions and Deliberations. ....

Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes, ~~but may reserve any portion of their time for further questions or deliberations, as applicable, by advising the Mayor before yielding the floor.~~ The Mayor may allow additional time for deliberations where appropriate. ~~This rule shall displace any conflicting rule in the City's adopted rules of procedure.~~ to encourage meaningful discussion and exchange of ideas.

[LC] This was the practice under Mayor Darcy Paul and it builds positive relationship between councilmembers to show the willingness to hear each other out.



# L18. ADD: Access to Closed session materials

## 9. Closed Sessions

9.1 A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act....

9.2 Any documents referenced or presented during closed sessions shall be shared with councilmembers upon request, and shared in the same manner as other closed session materials for confidentiality.

[LC] The City Manager does not have the discretion to decide what materials to share with the councilmembers or not. As long as proper measures are taken to ensure confidentiality as other closed session materials.

## L18. New Item: 11.1 Info Memos

### 11. Information Memos

11.1 Information Memos by Staff. Two Councilmembers may request an information memo to be provided on any issue pertain to the City business. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.

# L19. New Item: 11.3 Info Memos by Councilmembers

11.3 Information Memos by Councilmembers. Individual Councilmembers may prepare information memos for inclusion in their Council Activity Reports. Through these memos, Councilmembers can share any information they have received—whether from staff or other sources—with their fellow Councilmembers and the public, thereby enhancing transparency and accountability in City operations. The memos shall not include information which is protected by law from disclosure.

[LC1]This is a new proposal, which is intended to facility more transparency and accountability. Often each Councilmember pays attention in different areas of the City. One Councilmember may find valuable information that he/she wishes to share with other Councilmembers and members of the public.

The current practice is that a Councilmember can only submit a written communication which might be buried with other written communications. Thus, I am proposal a method to improve visibility of such info memos by Councilmembers.

I understand that the memos would likely include opinions and information which might be confidential. Thus, the memo would require the City Attorney to review for its suitability for publication.

The City Attorney could propose a feasible implementation method, such as the memos must be submitted by a certain date for inclusion in the Councilmember Activity Report.