



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Friday, February 3, 2023

SPECIAL MEETING

At 2:03 p.m., Mayor Hung Wei called the Special City Council Meeting to order in the Cupertino Library, Room 101, 10800 Torre Avenue, Cupertino, California 95014.

ROLL CALL

Present: Mayor Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao (2:13 p.m.), J.R. Fruen and Kitty Moore. Absent: none.

COUNCIL WORKSHOP

1. Subject: City Council Governance Workshop
Recommended Action: Receive and discuss presentation regarding City Council governance

Written communications for this item included a consultant presentation, agenda handout and article from the Institute for Local Government (ILG), "Attributes of Exceptional Councils," and emails to Council.

Mayor Hung Wei introduced the session.

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

Planning Commissioner R Wang (representing self) was concerned about transparency and accountability, limiting public comment, and improving the contracts approval process.

Jennifer Griffin was concerned about State actions to take away local control and supported teaching and preserving the history of California.

Peggy Griffin supported a system of trust between Council, staff, and the public and publishing informational memos provided to Council; and was concerned about the

appearance of undue influence on Councilmembers during deliberations and limiting the public from pulling consent calendar items. (Submitted written comments).

Lisa Warren was concerned about following the City's organizational model and residents not being represented, and supported a later meeting start time when more people can attend.

Brooke Ezzat was concerned about Council leadership and policies exercising control over the organization.

Mayor Wei closed the public comment period.

City Manager Pamela Wu provided the purpose of the training.

Consultants Dave Sykes and Mary Locey with Baker Tilly facilitated the workshop.

Facilitator Dave Sykes gave a presentation.

The Council discussed best practices of governance and clarifying roles.

The facilitators created a workshop report containing a summary of the discussions which is available in Exhibit A (attached).

ADJOURNMENT

At 5:58 p.m., Mayor Wei adjourned the Special City Council Meeting.

Kirsten Squarcia, City Clerk



**City of Cupertino
City Council Governance Workshop
Held February 3, 2023**

February 2023

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Workshop Report

The City of Cupertino held a Council workshop on Friday, February 3, 2023, from 2:00 p.m. to 6:00 p.m. at the Cupertino Public Library. The workshop provided an opportunity for Councilmembers to review themes from the Council interviews conducted by Baker Tilly, strengthen their effectiveness, clarify roles within the governance and administration structure, and establish norms for working together. This report contains a summary of the results of the workshop session.

Dave Sykes (Special Advisor) and Mary Locey (Consulting Manager) with Baker Tilly facilitated the workshop.



Workshop Overview

Objectives

- Strengthen effectiveness of the City Council as a governing body,
- Clarify roles within the governance and administrative structure, and
- Establish agreement on norms for working together and with staff on behalf of the Cupertino community.

Participants

City Council



Mayor
Hung Wei



Vice Mayor
Sheila Mohan



Councilmember
Liang Chao



Councilmember
J.R. Fruen



Councilmember
Kitty Moore

Staff

- Pamula Wu, City Manager
- Matt Morley, Assistant City Manager
- Debra Nascimento, Executive Assistant to the City Manager
- Christopher Jensen, City Attorney
- Kirsten Squarcia, City Clerk
- Kristina Alfaro, Administrative Services Director
- Benjamin Fu, Community Development Director
- Luke Connolly, Acting Community Development Director
- Rachelle Sander, Parks and Recreation Director
- Chad Mosley, Acting Public Works Director

Agenda

- Welcome and call to order by the Mayor
- Public comments
- Review workshop agenda, purpose, and objectives
- Ice breaker
- Discuss best practices for effective governance
- Establish council norms
- Wrap up and next steps

Workshop Ground Rules



At the start of the workshop, the facilitator suggested several ground rules to help the group have a successful workshop.

- Assume good intent,
- Listen to understand,
- Seek consensus, and
- Focus on creating a positive path for all.

Bike Rack

The facilitator explained that items that were brought up but could not be discussed today would be added to a “bike rack” for follow up or discussion at another time. The following items were added to the bike rack during the workshop.

- Community engagement
 - Create project timelines
 - Create a policy for engagement
 - Balance engagement for all demographics
- Staff retention
- Housing element
- Staff recommendations, alternative analysis, and options; at what level?

Workshop Preparation

In preparation for the workshop, the facilitators held individual interviews with each Councilmember and discussed workshop objectives with the City Manager and executive team. Baker Tilly prepared an agenda and PowerPoint presentation along with other materials to guide discussions during the session.

Opening Comments

Mayor Wei convened the Council meeting and asked for the roll call. The Mayor welcomed everyone and thanked Councilmembers for attending the workshop. The Mayor then opened the public comment period, noting that this was a workshop and it would be the only time for the public to speak. The Mayor then turned the meeting over to the City Manager.

City Manager Wu welcomed the opportunity for staff and the Council to work together in this workshop setting toward improved relations and governance. She briefly noted that this workshop stemmed from comments made by Councilmembers during her recruitment and the workshop was in the planning stages prior to the release of the Grand Jury Report.¹

¹Santa Clara County Civil Grand Jury, *A House Divided: Cupertino City Council and City Staff*, December 2022.

City Manager Wu said the goal of the workshop is to build a team approach because the Council, staff, and the community are ***one team working together for the good of Cupertino***. City Manager Wu then turned the session over to the facilitators.

Dave introduced himself and Mary and reviewed the workshop agenda, objectives, and ground rules.

Icebreaker Exercise

The facilitators began the workshop by asking each Councilmember and staff to write their first paid job on a piece of paper. Upon collecting the written responses, Dave read the responses aloud and asked for the group to identify who held that position. It was an open forum for guessing and the guesses were nearly 100% correct.

Best Practices for Effective Governance

Dave opened the workshop by noting that serving the community well requires establishing goals and a great deal of teamwork. The workshop was planned with this in mind and tailored to the needs of Cupertino.


To prepare for the workshop, the facilitators interviewed each Councilmember to solicit their input about what they would find helpful to review and discuss during the workshop. The themes that surfaced were shared with the group and are listed below in no particular order.

- Refresher on roles (Council, City Manager, City Attorney)
- Reinforce the importance of asking questions in advance of Council meetings and discuss the methods of asking questions of staff
- How to improve the efficiency of meetings to reduce the length; improve order of discussions
- Importance of professionalism, respect for each other and staff, and creating a collaborative environment
- What it means for the Council to establish standards and have them consistently implemented by staff
- Communications with staff; what is appropriate and how
- Providing status reports on policy and projects once approved by Council

Effective Councils

The facilitator then led a discussion focused on best practices for effective governance and provided information on what makes a Council work well as a governing body. A few slides from the workshop are shown below.

What Makes a Council Work Well

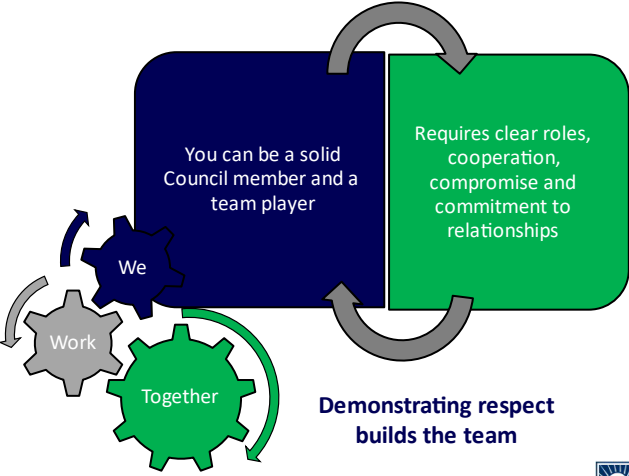


Effective Councils	
Unity of Purpose	Clear Roles and Responsibilities
Positive Governance Culture	Norms, Protocols and Policies

Institute for Local Government

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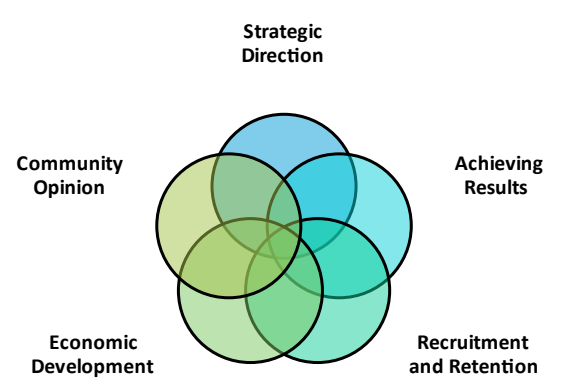
Effective Governing is a Team Sport



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Why is Effective Governing Important?

Council teamwork directly impacts these



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Building on this, the facilitators distributed the Institute for Local Government “*Attributes of Exceptional Councils*” article and discussed the six attributes from the article with the group. The attributes are shown below.

1. Have a **sense of team**; a partnership with the city manager to govern and manage the city
2. Have **clear roles** and responsibilities that are understood and adhered
3. **Honor the relationship** with staff and each other
4. Routinely conduct **effective meetings**
5. Hold themselves and the city **accountable**
6. Have members who practice **continuous improvement**

Several Councilmembers noted they had read the article previously and found it insightful. Dave asked the group what resonated with them from the article and their responses are shown below.

- Offering praise when it is due.
- With a high staff turnover, City Council needs the information and data to review and make adjustments (e.g., higher salaries, change classifications) if needed.
- Council does not get involved in operations of the City.
- We are one team: staff, Council, community.
- City Manager makes routine operational decisions to achieve Council direction.
- Respect that City Council is the decision maker, and that City Manager and staff follow that direction.
- Staff should return to the Council with adjustments during implementation for new direction or to update about the reasons for change.
- Important for the City Manager and staff to bring information to Council.
- Level of decision making needs to be clarified.

Dave then engaged the group in discussion and emphasized open communication, regular meetings with the City Manager, and working toward limiting surprises with each other.



Teamwork

Next, the topic of teamwork and the importance of understanding the roles of the council-manager form of government was introduced. The following slide was reviewed and discussed by the group.

Effective Council-City Manager Teamwork

Makes for Good Policy and Solid Organizations

City Council	City Manager
<ul style="list-style-type: none">• Respect the professionalism of staff and assume good intent• Be sensitive to the need to pace the organization• Allow City Manager to translate policy interests and priorities to achieve action• Refrain from directing staff- even informally• Fix the problem not the blame- to help create a “no blame” culture• Do not criticize staff- if Councilmembers have concerns, bring them to City Manager privately	<ul style="list-style-type: none">• Carry out the role as chief executive- provide leadership to City staff and ensure accountability• Be direct with Council• Practice the “no surprise” rule• Communicate equally with all members of Council• Provide clear analysis and recommendations to Council• City Manager will work to help Council see the “big picture” including impacts of policy positions

Discussion

Highlights of Council comments follow, along with feedback provided by facilitator Dave Sykes.

- We are building trust that the Council gives direction and that the City Manager and staff will deliver results.
- Council provides high-level direction; sets goals.
- Beautiful projects are delivered, such as the library extension, but issues arise such as not having a landscape plan for the garden area.
 - *Dave noted that we learn from mistakes and move forward. If there are concerns, Council should address them with the City Manager to work with staff.*
- Are staff recommendations what staff wants? Are staff recommendations made against Council wishes or what Council requested or directed?
 - *Dave responded that staff is bound by their professional expertise to present recommendations that are in the best interest of the organization and community even if that is not what was envisioned by an individual Council member or directed by the Council. Further, staff should not focus on what the votes may be when preparing recommendations.*
 - *Council’s role is to decide whether to accept the recommendation as presented, modify it, or reject it.*
- Council should be provided with options. When there is only one recommendation, the public will not know the pros and cons of other options.
 - *Dave responded that staff weighs options to arrive at a recommendation and providing that level of detail in staff*

reports for the other options is labor-intensive and does not make for efficient meetings.

- *Dave recommended setting thresholds for when it would make sense to present alternatives to Council. Additionally, the City Manager and Council could hold study sessions to discuss options with Council and receive direction.*
- *Dave encouraged Councilmembers to meet with the City Manager and staff in advance of a Council meeting to receive more detailed information. City Manager Wu stated that she has regular advance meetings with some Councilmembers and encouraged the others to take advantage of the opportunity to meet with her.*

Roles

Following a short break, the group returned to discuss the partnership of the City Council and staff and the roles each have in serving the community. Two of the slides presented are shown below.

Roles and City Council – Staff Partnership

- Everyone has a role to play
- Council sets the goals and policies
- Day-to-day work of the City is done by staff
- Partnership is critical for success of the City

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Ideal Relationship Between Council and Staff
Comments from Councilmembers

- Staff are professionals and we need to trust them
- Mutual respect
- Governance is about how the Council functions as a body and how the Council and administration function together
- Work through the City Manager
- Collaboration

What would you add to this? Expand on?

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Dave highlighted team roles to ensure understanding by the group. They are listed in the table below.

Table 1. Roles in a Council-Manager Form of Government

Role	Responsibility	Description
Councilmember Provides direction as a body	Set policy	Consider what is best for the long-term interests of the community and organization
	Respect the chain of command	City Manager and City Attorney are your only direct reports, reporting to the entire City Council
	Regular meetings with City Manager	Obtain briefings on issues to gather information, no decisions or direction is provided; your greatest asset to help you reach your goals
	Expect City Manager to implement goals and policies of the Council	City Manager reports to the whole Council, does not act on direction from individual Councilmembers
	Councilmember conflicts	City Manager works to resolve through Council consensus and direction
	Do not publicly criticize staff	Speak privately with the City Manager; never discuss with staff below City Manager
Mayor	Facilitate Council meetings	
	Serve as chief city representative	Serve as representative for ribbon cuttings, spokesperson as needed
	Meet regularly with City Manager	Collaboratively discuss issues; forecast emerging issues, carry out all roles listed for Councilmembers
City Attorney City Attorney Jensen provided this overview and answered questions from the Council.	Represent the City of Cupertino	Represents the entity/organization; does not represent individual Councilmembers or members of the public
	Provide legal advice to the Council and staff	Provides clear and accurate advice on a myriad of complex laws when asked for and when not asked for; advise will always be in the best interest of the entity/organization
	Provide full disclosure	If Council disagrees with advice, professionally bound to ensure Council is fully informed and aware of risk(s)
	Be fair and impartial	
	Use candor and diplomacy	
	Serve as parliamentarian	
City Manager City Manager Wu provided this overview and answered questions from the Council.	Serve as the chief executive officer	Responsibility and authority for the administration of the City's government and implementation of Council goals
	Manage City staff	Appointing authority in the selection of department heads and other staff, including terminations and discipline; guides and develops staff and creates a productive organization culture; helps staff achieve Council goals
	Serve the full Council	Provides advice to the City Council; helps make the Council productive and successful, helps each member of Council to succeed
	Serve as information conduit	Serves as a conduit with information flowing back and forth between Council and staff

During the workshop, a Councilmember asked for a definition of parliamentarian. A general description was provided by City Attorney Jensen and is noted below.

A parliamentarian is an expert on meeting procedures, such as *Robert's Rules of Order*², who advises organizations and deliberative assemblies.

Communications Between Council and Staff

Communications between Council and staff was identified as an area to clarify during the workshop. City Manager Wu shared her vision with the group. She indicated she was comfortable with Council communicating directly with the executive team, which includes members of the City Manager's Office and department directors, as long as she is always copied on any emails. Council communications should not go below that level, however. That is because when members of Council engage in those conversations, even to ask a simple question, such communications can imply direction, although unintended.

Dave noted that there is power in being a Councilmember and when one speaks with staff, a question or conversation can easily be interpreted as a request to perform a task or work.

Having reviewed these roles, Dave asked the group if there was anything else to add. The following comments were offered.

- Council wants to serve the community effectively and involve the community.
 - *Dave shared that a balance needs to be found for how much and how long community input on a project is conducted. In the early phases, community input is key in developing a project, such as what uses are desired for a community park.*
 - *Dave then noted that once the Council commits to and invests in a project or issue, community engagement lessens as the project moves forward.*
 - *Dave suggested that staff should routinely report back on projects to provide the Council and community with updates. This can be accomplished by creating and using a communication plan. City Manager Wu noted that the City Work Program is a resource that is available to the Council and community on [the City's website](#).*

Establishing Council Norms



In addition to understanding how effective Councils function, creating norms is another way for Councilmembers to agree on actions and be proud of. The

²Robert's Rules of Order, Henry M. Robert III, et al, <https://robertsrules.com/>

facilitator and group engaged in a healthy discussion about the typical norms listed in the presentation and shown below.

Typical Council Norms	
<ol style="list-style-type: none">1) Move from I to we, and from campaigning to governing.2) Work together as a body, modeling teamwork and civility for our community.3) Assume good intent.4) Disagree agreeably and professionally.5) Utilize long range plans to provide big picture context that is realistic and achievable.	<ol style="list-style-type: none">6) Demonstrate respect, consideration and courtesy to all.7) Share information and avoid surprises.8) Keep confidential things confidential.9) Respect the Council/Manager form of government and the roles of each party.10) Communicate concerns about staff to the City Manager; do not criticize staff in public.

Based on best practices from League of California Cities and Institute for Local Government

The Council discussed the typical norms. They did not move forward to adopt them and decided to table them. The Council agreed to revisit them in the future if needed. Comments offered included:

- Council has spent many hours deliberating its *Council Policy and Procedures*, which will be adopted soon, and these norms seems to be an overlap.
- Other priorities should be addressed such as the housing element.
- Norms are common sense, a general set of behavior patterns.

Closing Comments

City Manager Wu briefly spoke about the next workshop set for Wednesday, March 1, 2023 to establish Council priorities. It will be the building block for budget preparations. More information about the workshop will be provided at a later date.

To close the workshop, Mayor Wei asked the Council and staff to offer their thoughts on the workshop. The comments received from the group are indicated below.

- Council, staff, and the community have different perspectives, but we need to work together for the community.
- There is more than one set of opinions.
- This was a good start in an informal setting.
- There are different perspectives and opinions and our job is to reflect on our decisions.
- Read the *Institute for Local Government* article and reflect on it and how we govern.
- Good meeting.
- Made note to be more open minded.

- In the spirit of working together, compromise.
- Best take away, limit surprises, we will work well together.
- Appreciation to listen and spend time as a team.
- Putting self-doubt in perspective.
- Work to support all – Council, management, staff, community.
- We have a strong and involved Council, the City Manager works hard, looks up to everyone, and love being a part of the team.

Wrap-up and Next Steps

To conclude the workshop, Dave explained that Baker Tilly would prepare this summary report. Next steps will include preparing for the March 1 priority setting workshop with Council and staff.

