



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, March 19, 2024**

**SPECIAL MEETING**

At 5:16 p.m., Mayor Sheila Mohan called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

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

**STUDY SESSION**

1. Subject: Capital Improvement Programs (CIP) Fiscal Year (FY) 2024/2025 and Five-year Plan.

Recommended Action: Receive presentation and provide input on the development of the proposed CIP FY 2024/2025 and five-year plan.

Presenter: Susan Michael, Capital Improvement Programs Manager

Written communications for this item included a staff presentation, desk item report with staff responses to councilmember questions, Attachment E - 2023 Bollinger Road Corridor Grant documentation, Attachment F - 2021 Bollinger Road Corridor Safety Study, and emails to Council.

Director of Public Works Chad Mosley and Capital Improvement Programs Manager Susan Michael gave a presentation.

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

Bicycle Pedestrian Commissioner Joel Wolfe (representing self)  
Parks and Recreation Commissioner Jennifer Shearin (representing self)  
Dolly Sandoval (submitted written comments)  
Byron Rovegno

Louise Saadati

San R

Lisa

Tracy K

Peggy Griffin

Xiang Yang

Jean Bedord

Nan Xia

Bicycle Pedestrian Commissioner Herve Marcy (representing self)

Housing Commissioner Connie Cunningham (representing self)

Mayor Mohan closed the public comment period.

Councilmembers asked questions and made comments on all Proposed FY24-25 Projects except Bollinger Road Corridor Design.

At 6:31 p.m., Vice Mayor Fruen recused himself from the discussion regarding Bollinger Road Corridor Design and left the meeting.

MOTION: Mohan moved and Wei seconded to extend the meeting another 15 minutes to continue discussion on the item. The motion carried with the following vote: Ayes: Mohan, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent (Recused): Fruen.

Councilmembers provided the following input on Bollinger Road Corridor Design (Fruen recused):

- Supports proceeding with staff recommendation as presented and seeking grant funding.
- Supports providing direction to staff to focus on both Alternative A and Alternative B options.
- Supports a solution addressing pedestrian collisions at Bollinger/Wolfe intersection; not persuaded on reduction of lanes and separated bike lanes in this location versus other parts of the City.
- Supports proceeding with the Bollinger Road design traffic analysis/feasibility design as presented, returning to Council before any construction, and leveraging grant funding.

At 6:49 p.m., Vice Mayor Fruen returned to the dais.

Councilmembers provided the following input on all proposed FY24-25 projects except the Bollinger Road Corridor Design:

- Supports exploring a possible reduction in all existing/new projects and all other service reduction fee increases.
- Supports proceeding with staff recommendation.
- Describe the actual full expense of specific projects; describe each of the restricted fund sources that some of these projects rely on or that they leverage, so it's understandable for the public.
- Supports shade structures, that are not having the same appearance throughout the City; Address question about park equity and equal distribution throughout the City.
- Supports golf renovation pond work and minimal repairs to the irrigation system and helping the environment; Supports looking at storm drains and the actual life of the culverts.

## **ADJOURNMENT**

At 6:55 p.m., Mayor Mohan adjourned the Special City Council Meeting.

## **REGULAR MEETING**

At 7:00 p.m., Mayor Sheila Mohan called the Regular City Council Meeting to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

## **ROLL CALL**

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

**CLOSED SESSION REPORT** - None

**CEREMONIAL ITEMS** – None

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

## **ORAL COMMUNICATIONS**

Written communications for this item included emails to Council.

The following people spoke:

Barry Chang discussed the City's policy on signage displayed at City facilities and pickleball trial use.

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

Councilmember Kitty Moore (representing self) discussed Item 13 Monthly Treasurer's Investment Report for February 2024. (Submitted written comments).

Rhoda Fry discussed taxable items, a public meeting on Lehigh, City financing, and the BMR (Below Market Rate) Housing Fund.

Louise Saadati discussed City Council meeting procedures.

San R discussed hybrid commission meetings and City Council meetings.

Babu Srinivasan hybrid commission meetings.

Lisa discussed Shakespeare in the Park, hybrid commission meetings, and City Council meeting procedures.

Housing Commissioner Connie Cunningham (representing self) the Rise project and bird safety.

Srividya discussed City Council meeting procedures and pickleball trial use.

Councilmembers asked brief clarifying questions.

### **CONSENT CALENDAR (Items 1- 7)**

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

San R

Babu Srinivasan

Lisa

Rhoda Fry (Item 1)

Mayor Mohan closed the public comment period.

MOTION: Mohan moved to consider Items 4 and 5 before the Action Calendar. There was no second and the motion was not considered.

MOTION: Wei moved and Fruen seconded to approve the items on the Consent Calendar except for Items 4 and 5 which were pulled for discussion. The motion carried with the following vote: Item 1: Ayes: Mohan, Fruen, and Wei. Noes: Moore. Abstain: Chao. Absent: None; and Items 2, 3, 6, and 7: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

Items 4 and 5 were placed after the Action Calendar for consideration per rule.

1. Subject: Second Amendment to the master agreement with Richard Yau to provide program and project management consultant services on various Capital Improvement Programs (CIP) projects, for a not-to-exceed amount of \$470,000. (Postponed from March 5, 2024)

Recommended Action: Authorize the City Manager to execute a Second Amendment to the master agreement with Richard Yau to provide program and project management consultant services on various Capital Improvement Programs projects, increasing the contract amount by \$300,000 for a new total not-to-exceed contract amount of \$470,000 and extending the term of the agreement to June 30, 2027.

2. Subject: Approve the March 4, 2024 City Council Minutes  
Recommended Action: Approve the March 4, 2024 City Council Minutes
3. Subject: Approve the March 5, 2024 City Council minutes  
Recommended Action: Approve the March 5, 2024 City Council minutes

Written communications for this item included a desk item report and Amended Attachment A – Draft Minutes.

6. Subject: Ratifying Accounts Payable for the periods ending February 2, 2024; February 9, 2024; February 16, 2024; and February 23, 2024  
Recommended Action: A. Adopt Resolution No. 24-025 ratifying Accounts Payable for the Period ending February 2, 2024;  
B. Adopt Resolution No. 24-026 ratifying Accounts Payable for the Period ending February 9, 2024;  
C. Adopt Resolution No. 24-027 ratifying Accounts Payable for the Period ending February 16, 2024; and  
D. Adopt Resolution No. 24-028 ratifying Accounts Payable for the Period ending February 23, 2024
7. Subject: 2023 General Plan and Housing Element Annual Progress Report (APR)  
Recommended Action: Receive the General Plan and Housing Element APRs

Written communications for this item included an email to Council.

**PUBLIC HEARINGS – None****ACTION CALENDAR****8. Subject: Review city-owned properties**

Recommended Action: Review city-owned properties and provide direction to proceed with exploring rehabilitation and future use of the Stocklmeir site

Presenter: Matt Morley, Assistant City Manager

Written communications for this item included a staff presentation, supplemental report with staff responses to councilmember questions and Attachment B – Stocklmeir Property Grant Deed, and emails to Council.

Assistant City Manager Matt Morley gave a presentation.

Councilmembers asked questions and made comments.

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

Janet Van Zoeren, representing Coalition For Democratic Care Services (submitted written comments)

Angela Johnson

Trudy Grable

Eric McKinlay

Brooke Ezzat

Housing Commissioner Connie Cunningham (representing self)

San R

Mayor Mohan closed the public comment period.

**MOTION:** Wei moved and Fruen seconded to approve the staff recommendation to proceed with exploring rehabilitation and future use of the Stocklmeir site and through the City Work Program, to budget \$90,000 for the City Owned Properties item. These funds will be utilized for preliminary analysis of the Stocklmeir and Blesch properties. The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

At 8:45 p.m., Mayor Mohan recessed the meeting. The meeting reconvened at 8:52 p.m. with all Councilmembers present.

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**ITEMS REMOVED FROM THE CONSENT CALENDAR**

4. Subject: Revisions to Cupertino City Council Procedures Manual  
Recommended Action: Adopt Resolution No. 24-024 amending the Cupertino City Council Procedures Manual

Written communications for this item included a desk item report with staff responses to councilmember questions and revised Attachment A - Draft Resolution.

Councilmembers asked questions and made comments.

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

Lisa

San R

Parks and Recreation Commissioner Jennifer Shearin (representing self)

Jean Bedord

Louise Saadati

Mayor Mohan closed the public comment period.

MOTION: Chao moved and Moore seconded to reject the proposed revisions. Council did not vote on this motion.

SECOND SUBSTITUTE MOTION: Chao moved and Moore seconded a second substitute motion to approve the staff recommendation to adopt Resolution No. 24-024 amending the Cupertino City Council Procedures Manual, plus posting the informational memos to the city website. The second substitute motion failed with the following vote: Ayes: Moore. Noes: Mohan, Fruen, Chao, and Wei. Abstain: None. Absent: None.

SUBSTITUTE MOTION: Fruen moved and Wei seconded a substitute motion to approve the staff recommendation adopting Resolution No. 24-024 as revised per the City Attorney's desk item updating the Council Procedures Manual with the following additional revision and direction:

1. Under Section 8.3 (Order of Business), amend the language to remove category 14 entitled "Informational Items," renumber the categories accordingly, and direct the City Manager instead to transmit to Council all items that would ordinarily appear as Informational Items in the form of memos to Council, and to post said memos as they become available on the city website in a readily accessible place to support Council's goal of transparency in government; and
2. Under Section 8.5 (Public Comment), delete the reference to "informational items."

The substitute motion carried with the following vote: Ayes: Mohan, Fruen, and Wei.

Noes: Chao and Moore. Abstain: None. Absent: None.

5. Subject: Adoption of Ordinance No. 24-2256, to regularize commissioner appointments and revise commissioner qualifications

Recommended Action: Conduct the second reading of and adopt Ordinance No. 24-2256, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REGULARIZE CITY COMMISSION AND COMMITTEE TERMS AND REVISE COMMISSIONER QUALIFICATIONS"

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

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

Lisa

San R

Mayor Mohan closed the public comment period.

MOTION: Moore moved and Fruen seconded for the City Clerk to read the title of Ordinance No. 24-2256, that further reading of the Ordinance be waived, and that the City Council conduct the second reading of the Ordinance by title only; and to enact Ordinance No. 24-2256, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REGULARIZE CITY COMMISSION AND COMMITTEE TERMS AND REVISE COMMISSIONER QUALIFICATIONS." The motion carried with the following vote: Ayes: Mohan, Fruen, Chao, Moore, and Wei. Noes: None. Abstain: None. Absent: None.

## **COUNCIL REPORTS AND COMMENTS**

9. Subject: Councilmember Reports

Written communications for this item included a desk item report for Councilmember Moore.

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

**CITY MANAGER REPORT - None**

**ORAL COMMUNICATIONS - CONTINUED – None**

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**INFORMATIONAL ITEMS**

10. Subject: FY 23-25 City work Program Q2 update  
Recommended Action: Receive FY 23-25 City work Program Q2 update

The information regarding the FY 23-25 City work Program Q2 update was provided as part of the published agenda.

11. Subject: The Rise Development Project (formerly Vallco Town Center) update #2 (Dec 5, 2023 Informational Update follow-up)  
Recommended Action: Receive Rise Development Project Update

The information regarding the Rise Development Project Update was provided as part of the published agenda.

12. Subject: Receive the Monthly Treasurer's Report for February 2024  
Recommended Action: Receive the Monthly Treasurer's Report for February 2024

The information regarding the Monthly Treasurer's Report for February 2024 was provided as part of the published agenda.

13. Subject: Receive the Monthly Treasurer's Investment Report for February 2024  
Recommended Action: Receive the Monthly Treasurer's Investment Report for February 2024

The information regarding the Monthly Treasurer's Investment Report for February 2024 was provided as part of the published agenda.

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

Councilmembers added the following items:

- Study session on banning artificial turf given the environmental concerns (Moore/Mohan).
- Informational item regarding what fertilizers, pesticides, and herbicides the city uses and what sustainable alternative exist (Moore/Fruen)
- Revisit the Greenbiz Cupertino standards with consideration of landscape management (fertilizers, pesticides, herbicides, artificial turf topics) (Moore/Chao)
- Review the City's financial policy and best practices (Moore/Chao)

**ADJOURNMENT**

At 10:27 p.m., Mayor Mohan adjourned the Regular City Council Meeting.

Minutes prepared by:

*Kirsten Squarcia*

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Kirsten Squarcia, City Clerk