



**DRAFT MINUTES  
CUPERTINO CITY COUNCIL**

Tuesday, February 3, 2026

At 6:47 p.m., Mayor Moore reconvened the Regular City Council Meeting in open session and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

**ROLL CALL**

Present: Mayor Kitty Moore, Vice Mayor Liang Chao, and Councilmembers J.R. Fruen, Sheila Mohan, and R “Ray” Wang.

**CLOSED SESSION REPORT - None**

**CEREMONIAL ITEMS**

1. Subject: Recognition of STEM Winners from the City of Cupertino who participated in the Santa Clara County 2025 Synopsys Championship Science Fair.  
Recommended Action: Present certificates of recognition to the STEM Winners from the City of Cupertino who participated in the Santa Clara County 2025 Synopsys Championship Science Fair.

Santa Clara Valley Science and Engineering Fair Association (SCVSEFA) Board Member Forrest Williams received the certificates and made comments.

Mayor Moore presented certificates of recognition to the STEM Winners from the City of Cupertino who participated in the Santa Clara County 2025 Synopsys Championship Science Fair.

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

**ORAL COMMUNICATIONS**

Written communications for this item included emails to the Council.

The following members of the public spoke:

Rhoda Fry discussed Lehigh and Stevens Creek quarry traffic and noise, and reclamation plans.

Connie Cunningham discussed the Super Bowl, immigration enforcement resources, and the Santa Clara County Rapid Response Network.

Peggy Griffin (virtually) discussed truck traffic around Stevens Creek County Park.

San Rao, Planning Commissioner, representing self (virtually) discussed Lehigh Quarry's truck operations on Foothill Blvd, and reverse annexation of city parcels.

Moore and Fruen requested an informational memorandum on Stevens Creek Quarry to evaluate county property line change, annexation options, and LAFCO involvement in the process, including whether County approval is required and whether the City should pursue annexation.

#### **CONSENT CALENDAR (Items 2-7)**

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

MOTION: Wang moved and Mohan seconded to approve Consent Calendar Items 2-7. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan and Wang. Noes: None. Abstain: None. Absent: None.

2. Subject: Approval of January 13, 2026 City Council meeting minutes.  
Recommended Action: Approve the January 13, 2026 City Council meeting minutes.
3. Subject: Approval of January 21, 2026 City Council meeting minutes.  
Recommended Action: Approve the January 21, 2026 City Council meeting minutes.
4. Subject: Receive the Monthly Treasurer's Report for December 2025.  
Recommended Action: Receive the Monthly Treasurer's Report for December 2025.
5. Subject: Receive the Monthly Treasurer's Investment Report for December 2025.  
Recommended Action: Receive the Monthly Treasurer's Investment Report for December 2025.
6. Subject: Receive the Treasurer's Investment Report for Quarter Ending December 31, 2025.

Recommended Action: Receive the Treasurer's Investment Report for Quarter Ending December 31, 2025.

7. Subject: Amendment to 2026 Council Committee Assignments to designate Vice Mayor Liang Chao as the alternate to the Audit Committee.

Recommended Action: Amend the 2026 Council Committee Assignments to designate Vice Mayor Liang Chao as the alternate to the Audit Committee.

## PUBLIC HEARINGS

8. Subject: Consideration of (i) an Architectural and Site Approval permit, (ii) adoption of a Notice of Exempt Surplus Land Act Declaration, and (iii) a Disposition and Development Agreement by and between the City of Cupertino, a municipal corporation and Mary Avenue, L.P., a California limited partnership in connection with the development of a 40-unit below market rate development (Mary Avenue Villas Project) on a Housing Element Site, of which 19 units are dedicated to the Intellectually Developmentally Disabled and 21 units reserved for extremely low, very low, and low income residents of the community, located on public property. (Application No(s): ASA-2025-006; Applicant(s): Charities Housing; Location: (APN: 326-27-053, Mary Avenue Right-of-Way).

Recommended Actions

1. Find the project exempt from the California Environmental Quality Act (CEQA)
2. Adopt Resolution No. 26-016 approving Architectural & Site Approval Permit (ASA-2025-006) (Attachment A);
3. Adopt Resolution No. 26-017 declaring the Property Exempt Surplus Land pursuant to the Surplus Land Act (Attachment B)
4. Adopt Resolution No. 26-018 approving the Disposition and Development Agreement (Attachment C)

Written communications for this item included a staff presentation, desk item with staff responses to councilmember questions, supplemental reports to include Plan Sheets, Parcel Map and Transportation Study, and emails to the Council.

Councilmembers disclosed ex-parte communications prior to deliberation on this matter.

Senior Planner Gian Martire and Deputy City Attorney Michelle Hernandez gave a presentation.

Applicant Kathy Robinson and Andy Lief from Charities Housing gave a presentation.

Councilmembers asked questions and made comments.

Mayor Moore opened the public hearing and the following members of the public spoke:

Mattie Forte, Anne Berry, and Eriks Ramans  
Lina, Roberta, Debbie, Aditya, and Michael  
George Zhu  
Paul Krupka  
Hadiyah Fain, representing Life Services Alternative  
Michael Chu  
Jennifer Lucas, representing State Council on Developmental Disabilities  
Lisa Zuegel  
Stephen Quan  
David Hollister  
Cory Wolbach representing Silicon Valley at Home  
Housing Commissioner Connie Cunningham, representing self  
Jean Schwab  
Emily  
A member of the public spoke on behalf of Aditya Agrawal  
Richard Lowenthal  
Rhoda Fry  
Anita Lusebrink  
Patricia Han  
Denise Jauregui, representing Housing Choices  
Louise Saadati  
Gia Pham, representing Housing Choices  
Orrin Mahoney and two members of the public  
Joshua Safran, Trevor Lang, Walter Li, and Rachel Rose (virtually)  
Shaun Fong (virtually)  
Peggy Griffin (virtually)  
Eleni Mattheakis (virtually)

At 9:22 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 9:30 p.m. with all Councilmembers present.

Councilmembers asked questions and made comments.

Mayor Moore closed the public hearing.

SUBSTITUTE MOTION : Chao moved and Wang seconded a substitute motion to

postpone consideration of this matter until the Planning Commission has completed its review and taken all required actions. The substitute motion failed with the following vote: Ayes: Chao and Wang. Noes: Moore, Fruen, and Mohan. Abstain: None. Absent: None.

MOTION: Mohan moved and Fruen seconded to approve the staff recommendation, as amended:

1. Find the project exempt from the California Environmental Quality Act (CEQA)
2. Adopt Resolution No. 26-016 approving Architectural & Site Approval Permit (ASA-2025-006) (Including an update to reflect 19 units as opposed to 18 for Intellectually Developmentally Disabled (IID) population)
3. Postpone Adoption Resolution No. 26-017 declaring the Property Exempt Surplus Land pursuant to the Surplus Land Act
4. Adopt Resolution No. 26-018 approving the Disposition and Development Agreement (DDA) subject to 1) increasing the term of affordability restrictions from 55 years to 99 years, and 2) revising the date upon which the City may exercise its right to reacquire the property from 55 years from the date the DDA closes to 99 years; and direct staff to revise the DDA and all ancillary documents to reflect these changes and circulate for execution.

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

MOTION: Moore moved and Fruen seconded to extend the meeting past 10:30 p.m. to hear Item No. 9. The motion passed with the following vote: Ayes: Moore, Chao, Fruen and Mohan. Noes: Wang. Abstain: None. Absent: None.

## **ACTION CALENDAR**

9. Subject: Transition of Business License Administration to HdL Companies and consideration of a Business License Amnesty Program.  
Recommended Action: Receive a report on the transition of phased business license administration to HdL Companies and provide direction on whether to adopt a business license amnesty program. If Council elects to proceed with amnesty, select one of the three options presented below. The details, benefits, and tradeoffs of each option are discussed below.
  1. Adopt a 30-day citywide business license amnesty period prior to initiation of HdL's compliance and discovery efforts;
  2. Provide ongoing amnesty upon discovery for newly identified unlicensed businesses; or
  3. Adopt a phased 60-day business license amnesty program (staff recommendation)

consisting of 100% penalty forgiveness during the first 30 days and 50% forgiveness during the subsequent 30 days, followed by full enforcement.

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

Acting Director of Administrative Services Jonathan Orozco provided a verbal report.

Councilmembers asked questions and made comments.

MOTION: Moore moved and Fruen seconded to extend the meeting past 11:00 p.m. The motion passed with the following vote: Ayes: Moore, Chao, Fruen and Mohan. Noes: Wang. Abstain: None. Absent: None.

Mayor Moore opened the public hearing and the following members of the public spoke:

Rhoda Fry

Planning Commissioner San Rao, representing self (virtually)

Peggy Griffin (virtually)

Mayor Moore closed the public hearing.

MOTION: Moore moved and Chao seconded to approve the staff recommendation, as amended, to:

1. Provide ongoing amnesty upon discovery for newly identified unlicensed businesses; or
2. Adopt a phased 60-day business license amnesty program (staff recommendation) consisting of 100% penalty forgiveness during the first 30 days and 50% forgiveness during the subsequent 30 days, followed by full enforcement.
3. With an amendment to allow administrative authority for the City Manager to make penalty and interest determinations until a proposed ordinance amendment is brought back to Council.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR – None**

## **CITY MANAGER REPORT**

10. Subject: City Manager Report

Council did not hear this item.

City Manager Tina Kapoor reported on recent highlights and upcoming events as provided in the published agenda.

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

#### **COUNCILMEMBER REPORTS**

**11. Subject: Councilmember Reports**

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

#### **FUTURE AGENDA ITEMS**

Council did not hear this item.

As noted under Oral Communications, an informational memorandum was requested on Stevens Creek Quarry to evaluate county property line change, annexation options, and LAFCO involvement in the process, including whether County approval is required and whether the City should pursue annexation. (Moore and Fruen)

**12. Subject: Upcoming Draft Agenda Items Report**

A tentative council meeting agenda calendar was provided in the published agenda.

#### **ADJOURNMENT**

At 11:22 p.m., Mayor Kitty Moore adjourned the Regular City Council Meeting.

Minutes prepared by:

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Lauren Sapudar, Acting City Clerk