



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, May 6, 2025**

REGULAR MEETING

At 6:00 p.m., Mayor Liang Chao called the Special City Council Meeting to order in the City Hall Conference Room C, 10300 Torre Avenue, Cupertino, CA 95014 and via teleconference; and Teleconference Location Pursuant to Government Code section 54953(b)(2) Dubai Airport 7947+MP Dubai - United Arab Emirates, Terminal 3, Departures.

ROLL CALL

Present: Mayor Liang Chao, Vice Mayor Kitty Moore, and Councilmembers J.R. Fruen, Sheila Mohan, and R “Ray” Wang (participated remotely). Absent: None.

In open session prior to closed session, Mayor Chao opened the public comment period regarding any items on the agenda. The following members of the public requested to speak.

Stanley Young, representing IFPTE Local 21/CEA

Mayor Chao closed the public comment period.

CLOSED SESSION

1. Subject: Conference with Labor Negotiators pursuant to Government Code § 54957.6 (Kristina Alfaro and Christopher Boucher)

Council met with Labor Negotiators.

At 6:46 p.m., Mayor Chao recessed the meeting.

RECESS

OPEN SESSION

At 6:56 p.m., Mayor Chao reconvened the Special 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; and Teleconference Location Pursuant to Government Code section 54953(b)(2) Dubai Airport 7947+MP Dubai - United Arab Emirates, Terminal 3, Departures.

ROLL CALL

Present: Mayor Liang Chao, Vice Mayor Kitty Moore, and Councilmembers J.R. Fruen, Sheila Mohan, and R “Ray” Wang (participated remotely). Absent: None.

CLOSED SESSION REPORT

City Attorney Floy Andrews reported on the special meeting closed session held at 5:15 p.m. and the regular meeting closed session held at 6:15 p.m. There was no reportable action.

CEREMONIAL ITEMS

2. Subject: Recognition of May as Asian American and Pacific Islander Heritage Month
Recommended Action: Recognize May as Asian American and Pacific Islander Heritage Month

Mayor Chao recognized May as Asian American and Pacific Islander Heritage Month.

3. Subject: Proclamation to Charities Housing and Silicon Valley at Home in conjunction with May as Affordable Housing Month
Recommended Action: Present proclamation recognizing Charities Housing and Silicon Valley at Home in conjunction with May as Affordable Housing Month

Alison Cingolani, Director of Policy, accepted the proclamation on behalf of SV@Home, and Marvel Ang, Director of Housing Development, accepted the proclamation on behalf of Charities Housing.

Mayor Chao presented the proclamation recognizing Charities Housing and Silicon Valley at Home in conjunction with May as Affordable Housing Month.

4. Subject: Proclamation to the County of Santa Clara Department of Family and Children’s Services recognizing May as National Foster Care Awareness Month
Recommended Action: Present proclamation to the County of Santa Clara Department of Family and Children’s Services recognizing May as National Foster Care Awareness Month

Quyen Vu, Resource Family/Foster Parent Recruiter, received the proclamation on behalf of the Santa Clara County Department of Family and Children's Services.

Mayor Chao presented the proclamation to the County of Santa Clara Department of Family and Children's Services recognizing May as National Foster Care Awareness Month.

POSTPONEMENTS AND ORDERS OF THE DAY

MOTION: Chao moved and Moore seconded to:

- Postpone Item 10. Fiscal Year (FY) 2025-26 Fee Schedule Update to a date uncertain;
- Postpone Item 12. Future agenda items requested by City Councilmembers to a date uncertain; and
- Postpone Item 14. Capital Improvement Plan (CIP) projects to be defunded from the current approved list to the next City Council meeting.

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

ORAL COMMUNICATIONS

The following members of the public spoke:

Sustainability Commissioner Susan Hansen (representing self) discussed the City Manager's performance.

Jennifer Griffin discussed state housing bills.

Planning Commissioner San R (representing self) discussed various topics including City staff service and unity and collaboration.

Walton Li, representing the Stanford Asian Liver Center and TeamHBV San Jose, discussed the issues of Hepatitis B and liver cancer.

Jenny discussed the City Manager's performance and a litigation matter with the City.

Lisa Warren discussed Item 4 and the foster care system.

Louise Saadati discussed the City Manager's performance.

Public Safety Commissioner Sashi Begur (representing self) discussed City staff and Council

service and the City Manager's performance.

Planning Commissioner Seema Lindskog (representing self) discussed the City Manager's performance.

CONSENT CALENDAR (Items 5-8)

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

MOTION: Wang moved and Mohan seconded to approve the items on the Consent Calendar as presented. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

5. Subject: Approval of April 15, 2025 City Council minutes
 Recommended Action: Approve the April 15, 2025 City Council minutes
6. Subject: Approval of Updated Budget Format Implementation Action Plan (IAP)
 Recommended Action: Approve the Updated Budget Format Implementation Action Plan (IAP)
7. Subject: Approve a Seventh Amendment to the MIG, Inc. design consultant agreement for the All-Inclusive Playground at Jollyman Park project for a total not-to-exceed amount of \$533,821
 Recommended Action: Authorize the City Manager to execute a Seventh Amendment to the agreement with MIG, Inc. for Design Professional Services on the All-Inclusive Playground at Jollyman Park project (420-99-051, PO# 2022-0326) increasing the contract amount by \$21,410, for a new total not-to-exceed contract amount of \$533,821.
8. Subject: Approve a Fourth Amendment to the Tanko Lighting Master Agreement for the Light Emitting Diode (LED) Streetlight Transition Project correcting the maximum compensation amount to \$336,172.
 Recommended Action: Authorize the City Manager to execute a Fourth Amendment to the master agreement (#653) with Tanko Lighting for Design Professional Services on the Light Emitting Diode (LED) Streetlight Transition Project (420-99-258) correcting the maximum compensation amount to \$336,172.

PUBLIC HEARINGS

9. Subject: Approval of an Interim Urgency Ordinance Imposing a Moratorium on the Transition of Multiple-Family Use Housing to Student Housing within a One Half Mile

Radius of Foothill-De Anza Community College in the City of Cupertino; or approval of a Resolution Encouraging the Building of Newly Constructed Student Housing and Preventing the Conversion of Multiple-Family Use Housing to Student Housing within the City of Cupertino.

Recommended Action: Staff recommends that the City Council take the following actions:

1. Open and conduct a public hearing to consider the attached interim urgency ordinance; and
- 2a. Waive further reading and adopt, by a four-fifths (4/5ths) vote of the City Council, the attached interim urgency Ordinance No. 25-2270 by title only (the same to take effect immediately upon adoption), entitled, “An Interim Urgency Ordinance of the City of Cupertino, California, Enacted Pursuant to California Government Code section 65858 Establishing a 45-Day Temporary Moratorium on the Transition of Multiple-Family Use Housing to Student Housing Within One Half Mile Radius of Foothill-De Anza Community College in the City of Cupertino During the Pendency of the City’s Review and Adoption of Permanent Zoning Regulations for Such Uses”; or
- 2b. Adopt Resolution No. 25-025 Encouraging the Building of Newly Constructed Student Housing and Preserving Multiple-Family Use Housing By Preventing the Conversion of Multiple-Family Use Housing to Student Housing Within the City of Cupertino

Written communications for this item included a staff presentation, supplemental report with staff responses to councilmember questions, desk item report, Attachments D and E - Additional Text to Urgency Ordinance, and emails to the Council.

City Attorney Floy Andrews gave a presentation.

Mayor Chao opened the public hearing and the following people spoke.

Don Peterson, representing Prometheus Real Estate Group
Ricardo Alvarez
Parker Graves
Michele LeBleu-Burns
Nikunj More
Heldana
Pamela Hershey
Shaur K
Chandrakant Tibrewala
Planning Commissioner San R (representing self)
Mithun
Khadijah

Gillian
Alison Cingolani, representing SV@Home
Rhoda Fry
Praneeth
Anisha
Erik Woodbury
Christina Espinosa
Sean Absher, representing Foothill De Anza Community College District
Rosemary Biswas
Devender Mallireddy
Abishek Gupta
Hrithik Mallireddy
Peter Landsberger, representing Foothill De Anza Community College District
Tim Shively, representing Foothill De Anza Community College District Faculty Association
Lee Lambert, representing Foothill De Anza Community College District
Christopher Dela Rosa, representing Foothill De Anza Community College District
Paulo Verzosa
Sophia Commisso
Planning Commissioner Steven Scharf (representing self)
Dolly Sandoval
Harry Neil
Jacob Kao
Adity Tibrewala
Ellie
Public Safety Commissioner Sashi Begur (representing self)
Nori
Venkat Ranganathan
Deepa Shah

Mayor Chao closed the public hearing.

Councilmembers asked questions and made comments.

MOTION: Chao moved and Moore seconded to not approve the Moratorium but approve the Resolution. This motion was not voted on.

SUBSTITUTE MOTION: Fruen made a substitute motion to select Option 4—to do nothing—and to direct staff to actively reach out to the Foothill-De Anza Community College District to discuss available options. There was no second, and the substitute motion was not considered.

AMENDED MOTION: Chao amended the main motion to approve Resolution No. 25-025 Encouraging the Building of Newly Constructed Student Housing and Preserving Multiple-Family Use Housing by Preventing the Conversion of Multiple-Family Use Housing to Student Housing Within the City of Cupertino (Moore accepted the amendment). The amended motion passed with the following vote: Ayes: Chao, Moore, and Wang. Noes: Fruen and Mohan. None. Abstain: None. Absent: None.

At 9:44 p.m., Mayor Chao recessed the meeting. The meeting reconvened at 9:59 p.m. with all Councilmembers present.

ADJOURNMENT

At 10:04 p.m., Mayor Chao adjourned the City Council Meeting. There was no Council discussion on the remaining agenda items.

10. Subject: Approval of the Fiscal Year (FY) 2025-26 Fee Schedule Update
Recommended Action: Adopt Resolution No. 25-026 approving FY 2025-26 Fee Schedules A, B, C, and D. If adopted, new fees will be effective by July 6, 2025.

Written communications for this item included a staff presentation.

As noted under Postponements and Orders of the Day, this item was continued to a date to be determined.

11. Subject: Public Hearing Pursuant to Government Code Section 3502.3 to Receive a Report on City of Cupertino Vacancies, and Recruitment and Retention Efforts.
Recommended Action: Receive the informational report on City of Cupertino Vacancies, and Recruitment and Retention Efforts Pursuant to Government Code Section 3502.3.

Written communications for this item included a staff presentation, supplemental report with staff responses to councilmember questions, Attachment B - Vacancy Info, and emails to the Council.

The Council did not hear this item.

ACTION CALENDAR

12. Subject: Review future agenda items requested by City Councilmembers (Continued from April 15, 2025)

Recommended Action: 1. Review the future agenda items list and adopt the staff recommendations for items 1-14 and 16-17
2. Provide direction for item 15

As noted under Postponements and Orders of the Day, this item was continued to a date to be determined.

13. Subject: Modification to a previously approved Development Permit and Architectural & Site Approval for the Westport Development including, but not limited to, dwelling count and ground floor retail, Park Land Dedication Fees and minor changes to Building 1. (Application No(s): M-2024-003, ASA-2024-003; Applicant(s): Related California (Cascade Zak); Location: 21267 Stevens Creek Boulevard; APN #326-27-048)
Recommended Action: That the City Council adopt the proposed draft resolutions (Attachment A & B) to:
1. Adopt Resolution No. 25-027 approving the First Addendum to an EIR and approving the Development Permit Amendment (M-2024-003); and
 2. Adopt Resolution No. 25-028 approving the Architectural and Site Approval Permit (ASA-2024-003).

Written communications for this item included a staff presentation, developer presentation, supplemental report with staff responses to councilmember questions, and emails to the Council.

The Council did not hear this item.

14. Subject: Per the Council's direction, review potential Capital Improvement Plan (CIP) projects to be defunded from the current approved list.
Recommended Action: City Council shall consider:
- A) Which of the following projects to consider defunding and eliminating, or;
 - B) Reaffirm the current Capital Improvement Programs project list.

Written communications for this item included emails to the Council.

As noted under Postponements and Orders of the Day, this item was continued to a date to be determined.

15. Subject: Introduce an Ordinance amending Municipal Code Section 2.04.010 pertaining to Removal of Closed Session Start Time and Clarification that Meetings Rescheduled Due to Holidays or Elections Retain Regular Meeting Status
Recommended Action: Introduce Ordinance No. 25-2271: "An Ordinance of the City Council of the City of Cupertino amending Title 2, Administration and Personnel, of the

City of Cupertino Municipal Code amending Section 2.04.010, pertaining to closed session and regular meetings, by title only, and waive the first reading."

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

The Council did not hear this item.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None

CITY MANAGER REPORT – None

ORAL COMMUNICATIONS - CONTINUED – None

COUNCILMEMBER REPORTS

16. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

The Council did not hear this item.

17. Subject: Upcoming Draft Agenda Items Report

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

Minutes prepared by:

Kirsten Squarcia, City Clerk