



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, October 7, 2025

At 5:45 p.m., Mayor Liang Chao called the Regular City Council Meeting to order in City Hall Conference Room C, 10300 Torre Avenue, Cupertino, CA 95014; and Teleconference Location Pursuant to Gov. Code 54953(b)(2): Courtyard Marriott, 1803 Porter Street, Baltimore, MD 21230.

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 item on the agenda. The following member of the public requested to speak.

Lisa Warren (Item 3)

Mayor Chao closed the public comment period.

CLOSED SESSION

1. Subject: Conference with Legal Counsel - Anticipated Litigation; California Government Code Sections 54956.9(d)(4) and 54954.4(c): (1 case)

Council met with legal counsel regarding the anticipated litigation.

2. Subject: Conference with Legal Counsel - Existing Litigation; California Government Code Sections 54956.9(d)(1) and 54954.5(c): Lixin (Leon) Chen, et al. v. City of Cupertino, et al., Santa Clara County Superior Court, Case No. 25CV462857; Yes In My Backyard, et al. v. City of Cupertino, et al., Santa Clara County Superior Court, Case No. 25CV263924

Council met with legal counsel regarding the existing litigation.

3. Subject: Conference with Real Property Negotiators; California Government Code Section 54954.5
1. Property: 10480 Finch Avenue, Cupertino, CA
 2. Agency Negotiators: Tina Kapoor, Interim City Manager, and Floy Andrews, Interim City Attorney
 3. Negotiating parties: City of Cupertino and Cupertino Union School District
 4. Under negotiation: Price and terms of payment

Written communications for this item included an email to the Council.

Council met with real property negotiators (Moore recused).

At 6:50 p.m., Mayor Chao recessed the meeting.

OPEN SESSION

At 6:55 p.m., Mayor Chao 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; and Teleconference Location Pursuant to Gov. Code 54953(b)(2): Courtyard Marriott, 1803 Porter Street, Baltimore, MD 21230.

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 actions taken during the closed session held at 5:45 p.m. City Attorney Andrews reported that there was no reportable action.

CEREMONIAL ITEMS

4. Subject: Recognition of October 19 to October 25, 2025 as United Against Hate Week
Recommended Action: Recognize October 19 to October 25, 2025 as United Against Hate Week

Mayor Chao recognized October 19 to October 25, 2025 as United Against Hate Week.

5. Subject: Recognition of October as Hindu Heritage and Awareness Month
Recommended Action: Recognize October as Hindu Heritage and Awareness Month

Mayor Chao recognized October as Hindu Heritage and Awareness Month.

6. Subject: Recognition of October as Community Planning Month and appreciation for the work of the Community Development Department
Recommended Action: Present proclamation recognizing October as Community Planning Month, acknowledging the work of the Planning Division, and also recognizing the contributions of the Building, Code Enforcement, and Housing Divisions within the Community Development Department

Director of Community Development Ben Fu, Assistant Director Luke Connolly, Senior Planner Emi Sugiyama, Associate Planner Danielle Condit, Assistant Planner Jasmine Heredia, Permit Technician Catherine Tarone, Permit Technician Jasmine Archbold, and Management Analyst Robert Dacanay received the proclamation on behalf of the Community Development Department.

Mayor Chao presented the proclamation recognizing October as Community Planning Month, acknowledging the work of the Planning Division, and also recognizing the contributions of the Building, Code Enforcement, and Housing Divisions within the Community Development Department.

POSTPONEMENTS AND ORDERS OF THE DAY

7. Subject: Revisions to Cupertino City Council Procedures Manual (Postponed from September 16, 2025)
Recommended Action: Postpone revisions to Cupertino City Council Procedures Manual to a date to be determined

MOTION: Chao moved and Moore seconded to postpone revisions to Cupertino City Council Procedures Manual to a date to be determined. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

ORAL COMMUNICATIONS

Written communications for this item included emails to the Council.

The following members of the public spoke:

Huang Family discussed a property related code enforcement matter with the City.

Haley Carter representing Tessellations School, discussed the Tessellations School organization.

Margaret Carter representing Tessellations School, discussed the Tessellations School organization.

Belinda discussed the Preamble to the Declaration of Independence.

Planning Commissioner San Rao (representing self) discussed City staff performance, Sports Center booking process, transportation projects, and Tessellations School.

CONSENT CALENDAR (Items 8-14)

Chao removed Item 13 from the Consent Calendar for discussion.

MOTION: Fruen moved and Wang seconded to reorder the agenda to place Item 13, either before or after Item 16.

FRIENDLY AMENDMENT: Moore made a friendly amendment to move Item 13 after Item 16. (Fruen accepted the friendly amendment).

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

Mayor Chao opened the public comment period and the following member of the public spoke.

Planning Commissioner San Rao (representing self) (Item 10)

Mayor Chao closed the public comment period.

MOTION: Wang moved and Moore seconded to approve the Consent Calendar items 8-12 and 14 as presented. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

8. Subject: Approval of September 15, 2025 City Council meeting minutes
 Recommended Action: Approve the September 15, 2025 City Council meeting minutes
 9. Subject: Approval of September 16, 2025 City Council meeting minutes
 Recommended Action: Approve the September 16, 2025 City Council meeting minutes
 10. Subject: Review of future agenda items requested by City Councilmembers ("TBD List")
-

Recommended Action: Review the TBD list as of October and accept the staff recommendations for all 16 items

Written communications for this item included an email to the Council.

11. Subject: Amendment to 2025 Council Committee Assignments to designate Council appointments to the Economic Development Committee (EDC); Formation of a Council Ad Hoc Subcommittee for the EDC.
Recommended Action: 1. Ratify amendment to the 2025 Council Committee assignments to designate Councilmember R “Ray” Wang as the primary and Mayor Liang Chao as the alternate to the Economic Development Committee (EDC); and
2. Approve the formation of an Ad Hoc Council Subcommittee comprised of Mayor Liang Chao and Councilmember R “Ray” Wang to review potential opportunities and explore areas of focus for the EDC
12. Subject: Appointment of the Sustainability Commission, Technology, Information, and Communications Commission, and Planning Commission recommendations as representatives to the Economic Development Committee
Recommended Action: Accept the following Commission recommendations to appoint representatives to the Economic Development Committee:
1. Accept the Sustainability Commission’s recommendation to appoint Jack Carter for a term expiring January 30, 2026;
2. Accept the Technology, Information, and Communications Commission’s recommendation to appoint Balaram Donthi for a term expiring January 30, 2026;
3. Accept the Planning Commission’s recommendation to appoint Tracy Kosolcharoen for a term expiring January 30, 2026.
14. Subject: Memorandum of Understanding (MOU) between the City of Cupertino and other local public agencies in Santa Clara County to fund the Composting Education Program in the amount of \$9,186.90 (January 2026 - June 30, 2027, with an option for a two-year extension) (Continued from September 16, 2025)
Recommended Action: Authorize the City Manager to execute an MOU between the City of Cupertino and other local public agencies in Santa Clara County to fund the Composting Education Program and allocate \$9,186.90 from Resource Recovery Fund 520 for Cupertino’s share of program costs for the term January 2026 - June 30, 2027, with no impact to the General Fund

STUDY SESSION

15. Subject: Study Session on amendments to Audit Committee Duties, Powers, and Responsibilities

Recommended Action: Conduct study session on the Audit Committee's recommendation to amend Municipal Code Section 2.88.100 to reflect the following changes:

- a. Change the committee's name to "Audit and Finance Committee."
- b. Modify Section 2.88.100(g) to read: "To review the City's internal controls and internal audit reports."
- c. Add Section 2.88.100(i): "To review the use of artificial intelligence in the City's financial reporting, internal controls over financial reporting, risk management, and compliance."

Written communications for this item included a presentation.

Director of Administrative Services Kristina Alfaro and Finance Manager Jonathan Orozco gave a presentation.

Councilmembers asked questions and made comments.

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

Audit Committee Chair Eno Schmidt answered questions and made comments.

MOTION: Chao moved and Moore seconded to refer the following back to the Audit Committee:

- Reconsider meeting frequency. The Audit Committee could have six regular meetings per year instead of four. The exact meeting dates would be approved by the Audit Committee at the beginning of the year (either January or at the start of the fiscal year). Committee members can block the dates in advance, for planning purposes. If there's no business, then a regular meeting could be canceled.
- Financial Oversight (for reference, consider):
 1. Review the City's annual operating and capital budgets prior to City Council consideration, and provide comments or recommendations regarding fiscal sustainability, fund balance levels, and alignment with Council priorities.
 2. Monitor the City's long-term financial forecasts, debt obligations, and reserve policies, and recommend updates to maintain financial health.
 3. Review quarterly and annual financial reports, including investment reports, revenue performance, and expenditure trends, and raise any areas of concern to the Council.
 4. Evaluate proposed budget amendments, capital project cost changes, and major financial transactions for consistency with adopted policies.

- Consider a budget subcommittee to review the content of the budget each year.
- Council also provided direction to staff to place the Treasurer's Report and Investment Report on the City Council's agenda under the Consent Calendar to be received by the City Council, rather than issued as an informational memorandum.

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

At 8:10 p.m., Mayor Chao recessed the meeting. The meeting reconvened at 8:15 p.m. with all councilmembers present.

PUBLIC HEARINGS

16. Subject: Consider Municipal Code Amendments for consistency with Senate Bill 450 and minor text edits, amending multiple chapters of the Municipal Code. (Application No.: MCA-2024-004; Applicant: City of Cupertino; Location: Citywide)

Recommended Action: That the City Council:

- a. Conduct the first reading of Ordinance No. 25-2277 "An Ordinance of the City Council of the City of Cupertino amending Chapters 14.15 (Landscape), 14.18 (Protected Trees), 18.20 (Parcel Maps), 18.52 (Hillside Subdivisions), 19.08 (Definitions), 19.12 (Administration), 19.16 (Designation and Establishment of Districts), 19.28 (Single Family R1 Zones), 19.36 (Multiple-Family R3 Zones), 19.38 (Multiple-Family R4 Zones), 19.40 (Residential Hillside RHS Zones), 19.44 (Residential Single-Family Cluster R1C Zones), 19.46 (Townhomes TH Combining District), 19.60 (General Commercial CG Zones), 19.100 (Accessory Structures), 19.102 (Glass and Lighting), 19.104 (Signs), 19.124 (Parking), and 19.132 (Sale of Alcoholic Beverages and Gasoline) of the Municipal Code regarding consistency with Senate Bill 450 and minor text edits."; and
- b. Find that the proposed actions are exempt from CEQA.

Written communications for this item included a presentation.

Assistant Director of Community Development Luke Connolly and Senior Planner Emi Sugiyama gave a presentation.

Councilmembers asked questions and made comments.

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

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

1. Conduct the first reading of Ordinance No. 25-2277 "An Ordinance of the City Council of the City of Cupertino amending Chapters 14.15 (Landscape), 14.18 (Protected Trees), 18.20 (Parcel Maps), 18.52 (Hillside Subdivisions), 19.08

- (Definitions), 19.12 (Administration), 19.16 (Designation and Establishment of Districts), 19.28 (Single Family R1 Zones), 19.36 (Multiple-Family R3 Zones), 19.38 (Multiple-Family R4 Zones), 19.40 (Residential Hillside RHS Zones), 19.44 (Residential Single-Family Cluster R1C Zones), 19.46 (Townhomes TH Combining District), 19.60 (General Commercial CG Zones), 19.100 (Accessory Structures), 19.102 (Glass and Lighting), 19.104 (Signs), 19.124 (Parking), and 19.132 (Sale of Alcoholic Beverages and Gasoline) of the Municipal Code regarding consistency with Senate Bill 450 and minor text edits.”; and
2. Find that the proposed actions are exempt from CEQA; and
 3. Amend Item 6(a) (page 25 of Attachment B) to add ‘is required’ for front door entry and refer to the Planning Commission for review of the whole section and potential objective standards where a front door may be required.

Council did not vote on this motion.

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

1. Conduct the first reading of Ordinance No. 25-2277 “An Ordinance of the City Council of the City of Cupertino amending Chapters 14.15 (Landscape), 14.18 (Protected Trees), 18.20 (Parcel Maps), 18.52 (Hillside Subdivisions), 19.08 (Definitions), 19.12 (Administration), 19.16 (Designation and Establishment of Districts), 19.28 (Single Family R1 Zones), 19.36 (Multiple-Family R3 Zones), 19.38 (Multiple-Family R4 Zones), 19.40 (Residential Hillside RHS Zones), 19.44 (Residential Single-Family Cluster R1C Zones), 19.46 (Townhomes TH Combining District), 19.60 (General Commercial CG Zones), 19.100 (Accessory Structures), 19.102 (Glass and Lighting), 19.104 (Signs), 19.124 (Parking), and 19.132 (Sale of Alcoholic Beverages and Gasoline) of the Municipal Code regarding consistency with Senate Bill 450 and minor text edits.”; and
2. Find that the proposed actions are exempt from CEQA; and
3. Refer Item 6 to the Planning Commission for review of the whole section and potential objective standards where a front door may be required; and
4. Amend to strike the proposed amendments in Section 19.28.110, Item 6(a) and sub-points (b) through (e). (page 25-26 of Attachment B);

FRIENDLY AMENDMENT: Wang made a friendly amendment to also strike Item 7, regarding garage doors. (page 26 of Attachment B). (Fruen accepted the friendly amendment);

FRIENDLY AMENDMENT: Chao made a friendly amendment to refer Items 6 and 7 to the Planning Commission for further consideration. (Fruen accepted the friendly amendment).

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

13. Subject: Introduce amendments to Cupertino Municipal Code, adding Title 14, Chapter 14.30 Small Wireless Facilities In Public Rights-Of-Way, pertaining to regulation of wireless facilities within City streets (Continued from September 16, 2025)

Recommended Action: 1. Conduct the first reading of Ordinance 25-2276 "An Ordinance of the City Council of the City of Cupertino adding City Code Title 14 Chapter 14.30 Small Wireless Facilities In Public Rights-Of-Way";

2. Adopt Resolution No. 25-081 approving the "Regulations for Construction, Operation, and Maintenance of Small Wireless Facilities in the Public Right of Way"; and

3. Find that the proposed actions are exempt from CEQA.

Written communications for this item included a presentation and an email to the Council.

This item was removed from the Consent Calendar for consideration.

Public Works Director Chad Mosley gave a presentation.

Mayor Chao opened the public comment period and the following members of the public spoke.

Nori

Planning Commissioner San Rao (representing self)

Venkatesan Ranganathan

Mayor Chao closed the public comment period.

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

1. Conduct the first reading of Ordinance 25-2276 "An Ordinance of the City Council of the City of Cupertino adding City Code Title 14 Chapter 14.30 Small Wireless Facilities In Public Rights-Of-Way";
2. Adopt Resolution No. 25-081 approving the "Regulations for Construction, Operation, and Maintenance of Small Wireless Facilities in the Public Right of Way"; and
3. Find that the proposed actions are exempt from CEQA; and
4. Amend to refer this item to the Planning Commission to collect recommendations on any further modifications to be made to the ordinance and regulations.

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

At 10:10 p.m., Mayor Chao recessed the meeting. The meeting reconvened at 10:16 p.m. with all Councilmembers present.

MOTION: Wang moved and Chao seconded to extend the meeting to 10:45 p.m. to complete Item 17. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

ACTION CALENDAR

17. Subject: Request Cities Association of Santa Clara County ("CASCC") to amend the Joint Powers Agency Agreement and Bylaws to rectify undemocratic practices pertaining to the election of Executive Officers, the method of selecting the Chair of the Legislative Action Committee, and to remove the requirement that Executive Officers be elected during a specific month; and to appoint Vice Mayor Kitty Moore to the CASCC Board for the 2026 term and support her election to the Executive Committee
- Recommended Action: 1. Adopt Resolution No. 25-083 (Attachment A) requesting the Cities Association of Santa Clara County amend the Joint Powers Agency Agreement and Bylaws to: 1) require all Executive Officer offices be held by member cities, not by individual councilmembers or appointed directors, and that all Executive Officers be appointees or alternates to the Board of Directors; 2) require the members of the Legislative Action Committee to elect that committee's chair from its membership; and
- 3) remove the Bylaw provision setting the time for annual elections of Executive Officers in November or soon after.
2. Adopt Resolution No. 25-084 (Attachment B) to appoint Vice Mayor Kitty Moore to the Board of Directors of the Cities Association of Santa Clara County for the 2026 term beginning in January 2026 and endorsing her candidacy in the election for Executive Officers.
3. Authorize Vice Mayor Moore, the appointed representative to the CASCC Board, to send a letter to the CASCC to inform them of the above resolutions approved by the Council and attach this Council Report by Mayor for information.

Written communications for this item included emails to the Council.

Mayor Chao gave a presentation.

Councilmembers asked questions and made comments.

Mayor Chao opened the public comment period and the following members of the public spoke.

Planning Commissioner Tracy Kosolcharoen (representing self)

Planning Commissioner San Rao (representing self)

MOTION: Chao moved and Moore seconded to extend the meeting to 11:00 p.m. to complete

Item 17. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

Public comments on the item continued.

Planning Commissioner Seema Lindskog (representing self)

Mayor Chao closed the public comment period.

MOTION: Chao moved and Moore seconded to suspend the rules to extend meeting until 11:10 p.m. to complete Item 17. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Chao moved and Moore seconded to:

1. Adopt Resolution No. 25-083 requesting the Cities Association of Santa Clara County amend the Joint Powers Agency Agreement and Bylaws to: 1) require all Executive Officer offices be held by member cities, not by individual councilmembers or appointed directors, and that all Executive Officers be appointees or alternates to the Board of Directors; 2) require the members of the Legislative Action Committee to elect that committee's chair from its membership; and 3) remove the Bylaw provision setting the time for annual elections of Executive Officers in November or soon after.
2. Adopt Resolution No. 25-084 to appoint Vice Mayor Kitty Moore to the Board of Directors of the Cities Association of Santa Clara County for the 2026 term beginning in January 2026 and endorsing her candidacy in the election for Executive Officers.
3. Authorize Vice Mayor Moore, the appointed representative to the CASC Board, to send a letter to the CASC to inform them of the above resolutions approved by the Council and attach this Council Report by Mayor for information.

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

ADJOURNMENT

At 11:09 p.m., Mayor Chao adjourned the Regular City Council Meeting per rule. There was no further discussion on the remaining items.

CITY MANAGER REPORT

18. Subject: City Manager Report

Interim City Manager Tina Kapoor reported on recent highlights and upcoming events

as provided in the published agenda.

ORAL COMMUNICATIONS - CONTINUED – None

COUNCILMEMBER REPORTS

19. 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.

20. 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