



**DRAFT MINUTES
CUPERTINO CITY COUNCIL**
Wednesday, January 21, 2026

At 6:16 p.m., Mayor Kitty Moore called the Regular City Council Meeting to order in City Hall Conference Room C, 10300 Torre Avenue, Cupertino, CA 95014.

Present: Mayor Kitty Moore, Vice Mayor Liang Chao, and Councilmembers J.R. Fruen, and Sheila Mohan. Absent: Councilmember R "Ray" Wang.

At 6:17 p.m. Mayor Moore recused herself from this item and stated the basis for her recusal and left the dais. Vice Mayor Chao resumed chairing the meeting.

In open session prior to closed session, Vice Mayor Chao opened the public comment period and the following members of the public requested to speak.

Lisa Warren

Vice Mayor Chao closed the public comment period.

CLOSED SESSION

1. Subject: Conference with Real Property Negotiators; California Government Code Section 54954.5
 1. Property: 10480 Finch Avenue, Cupertino, CA
 2. Agency Negotiators: Tina Kapoor, 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

Council met with Real Property Negotiators (Moore recused, Wang absent).

At 6:41 p.m., Mayor Chao recessed the meeting.

OPEN SESSION

At 7:00 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, and Sheila Mohan. Absent: Councilmember R "Ray" Wang.

CLOSED SESSION REPORT

City Attorney Floy Andrews reported on the actions taken during the closed session held at 6:15 p.m. City Attorney Andrews reported that there was no reportable action.

CEREMONIAL ITEMS

2. Subject: Presentation from Homestead High School Future Business Leaders of America (FBLA) regarding Sustainable Fashion and Community Upcycling Initiatives
Recommended Action: Receive presentation and present certificates of appreciation to Homestead High School FBLA recognizing Sustainable Fashion and Community Upcycling Initiatives

Officers Advay Ranade and Muhan Yang of the Homestead High School Future Business Leaders of America (FBLA) gave a presentation regarding Sustainable Fashion and Community Upcycling Initiatives.

Council received the presentation (Wang absent).

Mayor Moore presented certificates of commendation to Advay Ranade and Muhan Yang recognizing their leadership and dedication in promoting sustainable fashion and clothing upcycling the Homestead High School Future Business Leaders of America (FBLA) chapter.

PRESENTATIONS – None

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:

Hadiyah Fain, representing Life Services Alternatives, discussed the Mary Avenue Villas Project.

Jennifer Castillo, Doug and Eileen discussed the Mary Avenue Villas Project.

Cassy Culten, Cindy Van Zoeren and Sepideh discussed the Mary Avenue Villas Project.

Mattie Fort-Goldman, Ericks Ramans, Philip Ma discussed the Mary Avenue Villas Project.

John Robinson, representing San Andreas Regional Center (SARC), discussed the Mary Avenue Villas Project.

Cory Wolbach discussed the Mary Avenue Villas Project.

Jennifer Shearin discussed the Mary Avenue Villas Project.

Gia Pham and Janet Van Zoeren, discussed the Mary Avenue Villas Project.

Connie Cunningham discussed the Mary Avenue Villas Project.

Alison Gray discussed the Mary Avenue Villas Project

Cynthia Naylor discussed the Mary Avenue Villas Project.

Dolly Sandivol discussed the Mary Avenue Villas Project.

Marcia Elmer discussed the Mary Avenue Villas Project.

Per Maresca discussed the Mary Avenue Villas Project.

Shira Leeder discussed the Mary Avenue Villas Project.

Akash Dey discussed the Mary Avenue Villas Project.

Audrey Robinson discussed the Mary Avenue Villas Project.

Lisa Zuegal discussed the Mary Avenue Villas Project.

Louise Saadati discussed the Mary Avenue Villas Project.

Call-in User-1 (virtually) requested assistance regarding a code enforcement matter involving their home.

Neil Park-McClintick (virtually) discussed the Mary Avenue Villas Project.

At 7:54 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 8:03 p.m. with all Councilmembers present. (Wang absent)

CONSENT CALENDAR (Items 3-14)

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

MOTION: Chao moved and Mohan seconded to approve Consent Calendar Items 3-5 and 7-14. The motion passed with the following vote: Ayes: Moore, Chao, Fruen and Mohan. Noes: None. Abstain: None. Absent: Wang.

Councilmembers made comments on Item No. 6 and Council voted separately on the item.

MOTION: Moore moved and Mohan seconded to approve Consent Calendar Item 6. The motion passed with the following vote: Ayes: Moore, Chao, and Mohan. Noes: Fruen. Abstain: None. Absent: Wang.

3. Subject: Approval of December 11, 2025 City Council meeting minutes
Recommended Action: Approve the December 11, 2025 City Council meeting minutes
4. Subject: Approval of December 12, 2025 City Council meeting minutes
Recommended Action: Approve the December 12, 2025 City Council meeting minutes
5. Subject: Approval of December 16, 2025 City Council meeting minutes
Recommended Action: Approve the December 16, 2025 City Council meeting minutes
6. Subject: Approve a Sixth Amendment with Joe A. Gonsalves and Son to provide State Legislative Advocacy Services, increasing the contract amount by \$45,000 for a total not-to-exceed amount of \$244,750, and extend the contract date to October 31, 2026, and authorize the City Manager to proceed with the RFP using the proposed criteria and scoring methodology.
Recommended Action: Authorize the City Manager to execute a sixth amendment reinstating the consultant agreement with Joe A. Gonsalves and Son to provide State Legislative Advocacy Services, increasing the contract amount by \$45,000 for a new total not-to-exceed contract amount of \$245,000.

As noted under the Consent Calendar, this item was voted on separately.

7. Subject: Adjustments to duties, salary, and benefits of the Deputy City Manager

classification.

Recommended Action: 1. Adopt Resolution No. 26-001 amending the Unrepresented Employee's Compensation Program to modify the Deputy City Manager position and expanded duties, resulting in increased appropriations of \$68,184 for the City, offset by \$399,323 in savings from the eliminated Assistant City Manager position; and

2. Adopt Resolution No. 26-002 approving Budget Modification No. 2526-430, increasing appropriations by \$68,184 for the Deputy City Manager position.

8. Subject: Settlement Agreement and Release of all claims pertaining to the interpleader action: In Re: 10505 Madrone Court, by which the City will recover \$318,786.74 of the excess funds from the foreclosure sale of the property at that named address, which was previously included in the City's below market rate housing program.

Recommended Action: Approve the terms of the Settlement Agreement and Release ("Agreement") and authorize the Mayor to execute the Agreement on behalf of the City.

9. Subject: Ratifying Accounts Payable for the periods ending December 5, 2025, December 19, 2025, and December 26, 2025

Recommended Action: A. Adopt Resolution No. 26-003 ratifying Accounts Payable for the Period ending December 5, 2025;

B. Adopt Resolution No. 26-004 ratifying Accounts Payable for the Period ending December 19, 2025; and

C. Adopt Resolution No. 26-005 ratifying Accounts Payable for the Period ending December 26, 2025

10. Subject: Receive the Monthly Treasurer's Report for November 2025

Recommended Action: Receive the Monthly Treasurer's Report for November 2025

11. Subject: Receive the Monthly Treasurer's Investment Report for November 2025

Recommended Action: Receive the Monthly Treasurer's Investment Report for November 2025

12. Subject: Approve an amendment with Advanced Systems Group, LLC., for Modernization of Broadcast TV and Community Hall Integration for \$125,000 for a not-to-exceed amount of \$1,335,000.

Recommended Action: Authorize the City Manager to execute the amendment with Advanced Systems Group, LLC., for Modernization of Broadcast TV and Community Hall Integration, within the total not-to-exceed amount of \$1,335,000.

13. Subject: Award cost pass-through contracts to West Coast Code Consultants, Inc., Independent Code Consultants, Inc., and BPR Consulting Group for the review of

building permits and associated budget modification, and approving a Second Amendment to an existing contract with Independent Code Consultants, Inc., for an increase of cost pass-through amount of \$200,000 to provide On-Call Plan Review Services for FY26 for a total not-to-exceed amount of \$515,000 for existing services.

Recommended Action: A. Approve the selection of West Coast Code Consultants, Inc., Independent Code Consultants, Inc., and BPR Consulting Group to form a pool of qualified consultants for on-call building plan review services.

B. Authorize the City Manager to execute a Master Professional/Specialized Services Agreement with each of the three firms for a three-year term, with a total not-to-exceed cost pass-through amount of \$500,000 per consultant, for a total of \$1,500,000.

C. Authorize the City Manager to execute a second amendment to the existing consultant agreement with Independent Code Consultants, Inc., to provide On-Call Plan Review Services, increasing the contract cost pass-through amount by \$200,000 for a new total not-to-exceed contract amount of \$515,000 for existing services.

14. Subject: Appointment of Mayor Kitty Moore and Vice Mayor Liang Chao to an ad-hoc Council subcommittee to negotiate the agreement for law enforcement services with the Santa Clara County Sheriff's Office and the appointment of Mayor Kitty Moore as the primary representative and Vice Mayor Liang Chao as the alternate representative to a multi-jurisdictional Sheriff's Office Contract Negotiations Ad-Hoc committee comprised of one representative from the City Councils of Cupertino, Saratoga and the Town of Los Altos Hills

Recommended Action: Approve the following:

1. Appointment of Mayor Kitty Moore and Vice Mayor Liang Chao to serve on an ad-hoc subcommittee to negotiate the agreement for law enforcement services with the Santa Clara County Sheriff's Office; and
2. Appointment of Mayor Kitty Moore as the primary representative and Vice Mayor Liang Chao as the alternate representative to a multi-jurisdictional Sheriff's Office Contract Negotiations Ad-Hoc committee comprised of one representative from the City Councils of Cupertino, Saratoga and the Town of Los Altos Hills.

PUBLIC HEARINGS

15. Subject: Consideration of a new residential development of 57 townhomes (Dividend Homes I), including 11 affordable units, to replace two office buildings on a 2.6-acre site, located close to the northeast corner of the intersection of Stevens Creek Blvd and Randy Lane. (Application No(s): DP-2025-001, ASA-2024-016, TM-2024-010, TR-2024-045, & U-2025-006; Applicant(s): Dividend Homes; Location: 20085 & 20111 Stevens Creek Blvd. (A.P.N.: 316-23-025, -026)

Recommended Action: 1. Find the project exempt from the California Environmental Quality Act (CEQA); and

2. Approve the following permits:
 - a. Adopt Resolution No. 26-006 approving Development Permit (DP-2025-001) (Attachment A);
 - b. Adopt Resolution No. 26-007 approving Use Permit (U-2025-006) (Attachment B);
 - c. Adopt Resolution No. 26-008 approving Architectural & Site Approval Permit (ASA-2024-016) (Attachment C);
 - d. Adopt Resolution No. 26-009 approving Tentative Final Map (TM-2024-010) (Attachment D)
 - e. Adopt Resolution No. 26-010 approving Tree Removal Permit (TR-2024-045) (Attachment E)

Written communications for this item included staff and applicant presentations and emails to the Council.

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

Senior Planner Gian Martire gave a presentation and Assistant Director of Community Development was also available for questions.

The following people spoke on behalf of the applicant:

- Joshua Vrotsos, Vice President of Dividend Homes
- Bryan Wenter (virtually), Attorney from HSW-Legal
- Ritu Sharma, Senior Planner at DAHLIN Architecture, gave a presentation.

Councilmembers asked questions and made comments.

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

Todd McNair

Whitney McNair

Patti Hamaguchi

Lisa Lee

Jerry Su

Sandy Siron

Planning Commissioner Tracy Kosolcharoen (representing self)

Peter

Lisa Warren (virtually)

Mayor Moore closed the public hearing.

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

1. Find the project exempt from the California Environmental Quality Act (CEQA); and
2. Approve the following permits:
 - a. Adopt Resolution No. 26-006 approving Development Permit (DP-2025-001) (Attachment A);
 - b. Adopt Resolution No. 26-007 approving Use Permit (U-2025-006) (Attachment B);
 - c. Adopt Resolution No. 26-008 approving Architectural & Site Approval Permit (ASA-2024-016) (Attachment C);
 - d. Adopt Resolution No. 26-009 approving Tentative Final Map (TM-2024-010) (Attachment D)
 - e. Adopt Resolution No. 26-010 approving Tree Removal Permit (TR-2024-045) (Attachment E)

FRIENDLY AMENDMENT: Moore made a friendly amendment to add an additional tree per lot in the yards between the two projects and the additional 2-foot trellis on top of the 6-ft. sound wall. (Chao and Mohan accept the friendly amendment).

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

MOTION: Moore moved and Mohan seconded to Reconsider Item No. 15. The motion passed with the following vote: Ayes: Moore, Chao, Fruen and Mohan. Noes: None. Abstain: None. Absent: Wang.

MOTION FOR RECONSIDERATION: Chao moved and Moore seconded to reconsider the staff recommendation, as amended:

1. Find the project exempt from the California Environmental Quality Act (CEQA); and
2. Approve the following permits:
 - a. Adopt Resolution No. 26-006 approving Development Permit (DP-2025-001) (Attachment A);
 - b. Adopt Resolution No. 26-007 approving Use Permit (U-2025-006) (Attachment B);
 - c. Adopt Resolution No. 26-008 approving Architectural & Site Approval Permit (ASA-2024-016) (Attachment C);
 - d. Adopt Resolution No. 26-009 approving Tentative Final Map (TM-2024-010) (Attachment D)
 - e. Adopt Resolution No. 26-010 approving Tree Removal Permit (TR-2024-045) (Attachment E)

3. With an amendment to add an additional tree per lot in the yards between the two projects and the additional 2-foot trellis on top of the 6-ft. sound wall and **no roof top decks for those two-story units.**

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

16. Subject: Consider a new residential development of 32 townhomes (Dividend Homes II), including 6 affordable units, to replace three office buildings on a 1.77-acre site, located mid-block corner on Stevens Creek Boulevard between Randy Lane and Blaney Avenue. (Application No(s): DP-2025-002, ASA-2025-004, TM-2025-002, TR-2025-002, & U-2025-007; Applicant(s): Dividend Homes; Location: 20045 & 20065 Stevens Creek Blvd. (A.P.N.: 316-23-095, -096)

Recommended Action: 1. Find the project exempt from the California Environmental Quality Act (CEQA); and

2. Approve the following permits:

- a. Adopt Resolution No. 26-011 approving Development Permit (DP-2025-002) (Attachment A);
- b. Adopt Resolution No. 26-012 approving Use Permit (U-2025-007) (Attachment B);
- c. Adopt Resolution No. 26-013 approving Architectural & Site Approval Permit (ASA-2025-004) (Attachment C);
- d. Adopt Resolution No. 26-014 approving Tentative Final Map (TM-2025-002) (Attachment D); and
- e. Adopt Resolution No. 26-015 approving Tree Removal Permit (TR-2025-002) (Attachment E).

Written communications for this item included staff and applicant presentations and emails to the Council.

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

Senior Planner Gian Martire gave a presentation.

Applicant Joshua Vrotsos, Vice President of Dividend Homes, spoke.

Councilmembers asked questions and made comments.

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

Todd McNair

Jerry Su
Lisa Warren (virtually)
Planning Commissioner San Rao (representing self) (virtually)

Mayor Moore closed the public hearing.

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

1. Find the project exempt from the California Environmental Quality Act (CEQA); and
2. Approve the following permits:
 - a. Adopt Resolution No. 26-011 approving Development Permit (DP-2025-002) (Attachment A);
 - b. Adopt Resolution No. 26-012 approving Use Permit (U-2025-007) (Attachment B)
 - c. Adopt Resolution No. 26-013 approving Architectural & Site Approval Permit (ASA-2025-004) (Attachment C);
 - d. Adopt Resolution No. 26-014 approving Tentative Final Map (TM-2025-002) (Attachment D); and
 - e. Adopt Resolution No. 26-015 approving Tree Removal Permit (TR-2025-002) (Attachment E).
3. With an amendment to add an additional tree per lot in the yards between the two projects and the additional 2-foot trellis on top of the 6-ft. sound wall, and no roof top decks for those two story units.

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

MOTION: Moore moved and Mohan seconded to extend the meeting past 10:30 p.m. to hear the Motion to Reconsider Item No. 15 (as noted with the motions under item 15). The motion passed with the following vote: Ayes: Moore, Chao, Fruen and Mohan. Noes: None. Abstain: None. Absent: Wang.

ACTION CALENDAR – None

ITEMS REMOVED FROM THE CONSENT CALENDAR – None

CITY MANAGER REPORT

17. Subject: City Manager Report

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

COUNCILMEMBER REPORTS

18. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

This item was not discussed.

19. Subject: Upcoming Draft Agenda Items Report

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

ADJOURNMENT

At 10:33 p.m., Mayor Kitty Moore adjourned the Regular City Council Meeting.

Minutes prepared by:

Lauren Sapudar, Acting City Clerk