

CITY OF CUPERTINO



AGENDA

Televised Regular City Council Meeting (6:45)

Tuesday, June 3, 2025

6:45 PM

10350 Torre Avenue, Council Chamber and via Teleconference

City Council

LIANG CHAO, MAYOR

KITTY MOORE, VICE MAYOR

J.R. FRUEN, COUNCILMEMBER

SHEILA MOHAN, COUNCILMEMBER

R "RAY" WANG, COUNCILMEMBER

IN PERSON AND TELECONFERENCE MEETING

For more information:

(408) 777-3200 | www.cupertino.gov

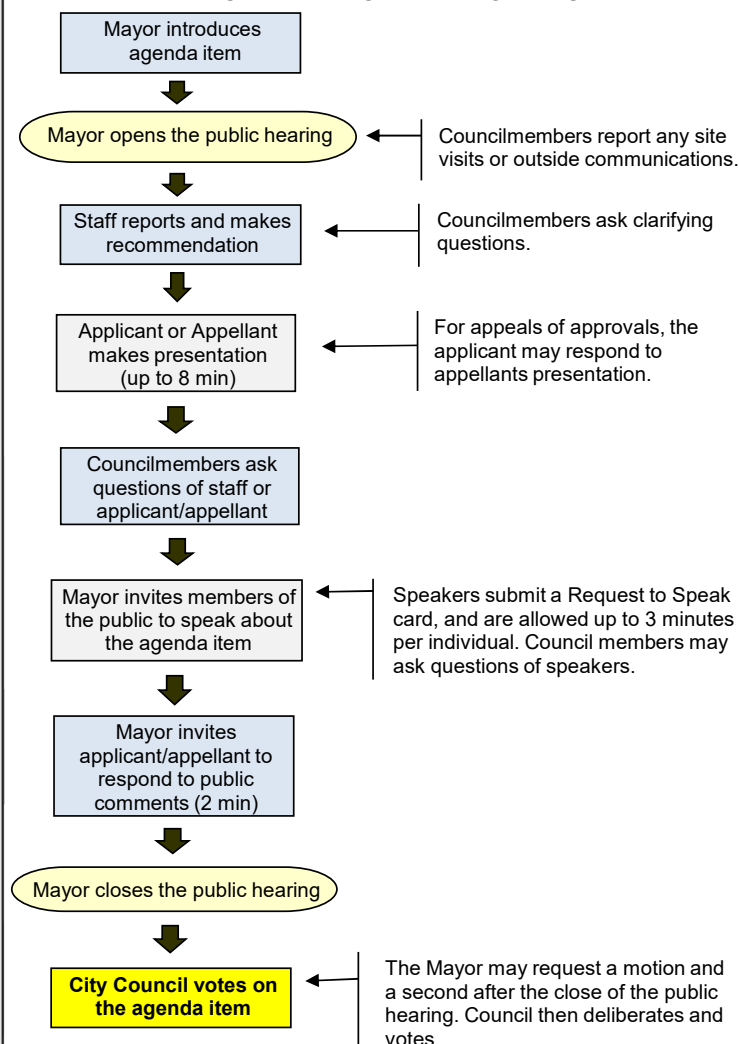
CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

Oral public comments will be accepted during the meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item. Identifying yourself is voluntary and not required to attend the meeting or provide comments.

FLOWCHART FOR HEARING ITEMS:



PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. The law requires certain actions taken in closed session to be reported in open session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at www.cupertino.org, or you can purchase the items on CD.

CITY COUNCIL DECISION IS FINAL

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

IN-PERSON AND TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Attend in person at Cupertino Community Hall, 10350 Torre Avenue.
- 2) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 3) The meeting will also be streamed live on and online at www.Cupertino.org/youtube and www.Cupertino.org/webcast

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

- 1) Appear in person at Cupertino Community Hall
- 2) E-mail comments by 4:00 p.m. on Tuesday, June 3 to the Council at publiccomment@cupertino.gov. These e-mail comments will also be received by each City Councilmember, the City Manager, and the City Clerk's Office. Comments on non-agenda items sent to any other email address will be included upon the sender's request.

Emailed comments received following the agenda publication, prior to or during the meeting, will be posted to the City's website.

Members of the public may provide oral public comments during the Meeting as follows:

Oral public comments will be accepted during the meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item.

Oral public comments may be made during the public comment period for each agenda item.

Members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.

3) Teleconferencing Instructions

To address the City Council, click on the link below to register in advance and access the meeting:

Online

Register in advance for this webinar:

https://cityofcupertino.zoom.us/webinar/register/WN_vun2Qk36TTKIIAR-15YyUA

Phone

Dial: 669-900-6833 and enter Webinar ID: 817 4634 0043 (Type *9 to raise hand to speak, *6 to unmute yourself). Unregistered participants will be called on by the last four digits of their phone number.

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)

206.247.11.121 (US East)

Meeting ID: 817 4634 0043

SIP: 81746340043@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter "Cupertino Resident" or similar designation.
3. When the Mayor calls for the item on which you wish to speak, click on "raise hand," or, if you are calling in, press *9. Speakers will be notified shortly before they are called to speak.
4. When called, please limit your remarks to the time allotted and the specific agenda topic.
5. Members of the public that wish to share a document must email cityclerk@cupertino.org prior to the meeting. These documents will be posted to the City's website after the meeting.

CALL TO ORDER**PLEDGE OF ALLEGIANCE****ROLL CALL****CLOSED SESSION REPORT****CEREMONIAL ITEMS**

1. Subject: Proclamation recognizing June as LGBTQ+ Pride Month
Recommended Action: Present proclamation recognizing June as LGBTQ+ Pride Month
[A - Proclamation](#)

PRESENTATIONS

2. Subject: Santa Clara County FireSafe Council (SCCFSC) presentation on SCCFSC's history, programs, technologies, and Firewise USA
Recommended Action: Receive the presentation from Santa Clara County FireSafe Council

POSTPONEMENTS AND ORDERS OF THE DAY**ORAL COMMUNICATIONS**

This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda for discussion. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda. A councilmember may, however, briefly respond to statements made or questions posed by speakers. A councilmember may also ask a question for clarification, provide a reference for factual information, request staff to report back concerning a matter, or request that an item be added to a future City Council agenda in response to public comment.

CONSENT CALENDAR (Items 3-5)

Items appearing on the Consent Calendar are considered routine City business and may be approved by one motion. Typical items may include meeting minutes, awards of contracts, the ratification of accounts payable, and second readings of ordinances. Any member of the Council may request to have an item removed from the Consent Calendar based on the rules set forth in the City Council Procedures Manual. Members of the public may provide input on one or more consent calendar items when the

Mayor asks for public comments on the Consent Calendar.

3. Subject: Approval of May 15, 2025 City Council meeting minutes
Recommended Action: Approve the May 15, 2025 City Council meeting minutes
[A - Draft Minutes](#)
4. Subject: Approval of May 20, 2025 City Council meeting minutes
Recommended Action: Approve the May 20, 2025 City Council meeting minutes
[A - Draft Minutes](#)
5. Subject: Second reading of 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: Conduct second reading and enact 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."
[A - Draft Ordinance](#)

PUBLIC HEARINGS

Government Code Section 65103.5 limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans that cannot otherwise be distributed under Govt. Code Section 65103.5 may make an appointment with the Planning Division to view them at City Hall by sending an email to planning@cupertino.gov. Plans will also be made available digitally during the hearing to consider the proposal.

6. Subject: Approval of renewal of the 1992 Storm Drain Fee (with no increase) and renewal of the 2019 Clean Water and Storm Protection Fee with a 2.38% increase.
Recommended Action: Adopt:
 1. Resolution No. 25-036 (Attachment B) approving the renewal and collection of the 2019 Clean Water and Storm Protection Fee with a 2.38% increase in rates for FY 2025-26.
 2. Resolution No. 25-037 (Attachment A) approving the renewal and collection of the 1992 Storm Drain Fee with no increase in rates for Fiscal Year (FY) 2025-26.[Staff Report](#)
[A - Draft Resolution 1992 Fee](#)
[B - Draft Resolution 2019 Fee](#)
[C - Clean Water and Storm Protection Fee Ordinance with Fee Report](#)
[D- Calendar Year 2022 AUP](#)
[E- Calendar Year 2023 AUP](#)
[F - Calendar Year 2024 AUP](#)

7. Subject: Amend Chapter 16.74 of the Municipal Code to adopt CAL FIRE's recommendations for Fire Severity Hazard Zones in the Local Responsibility Area and Chapter 16.40 of the Municipal Code to update a reference to the updated map.
Recommended Action: Introduce and conduct the first reading of Ordinance No. 25-2272 "An Ordinance of the City Council of the City of Cupertino amending Chapter 16.74 of the Municipal Code to adopt Fire Severity Hazard Zones in the Local Responsibility Area and Chapter 16.40 to update a reference to the updated map".
[Staff Report](#)
[A - Draft Ordinance](#)
[B - Letter from CAL FIRE](#)
[D - Existing Chapter 16.74](#)
[C - CAL FIRE recommended LRA map for Cupertino](#)
[E - Summary of Public Comments](#)
[F - CAL FIRE Frequently Asked Questions Memo](#)
8. Subject: Consideration of Recommended Operating and Capital Improvement Program Budgets for Fiscal Year (FY) 2025-26, Adoption of the Operating and Capital Improvement Program Budgets for FY 2025-26, Establishment of the Appropriation Limit, and related actions; Direction on past and current City Work Program and FY 2024-25 Special Projects

Recommended Action: 1. Adopt Resolution No. 25-038 establishing an Operating Budget of \$131,838,401 for FY 2025-26, which includes the following changes to the FY 2025-26 Proposed Budget, published on May 1, 2025:

- a. Approve the operating budget of \$131,772,435, outlined in the FY 2025-26 Proposed Budget.
- b. Approve a reduction in revenues of \$1,500,000 for transfers in to Fund 580 (\$500,000) and Fund 610 (\$1,000,000) from the General Fund.
- c. Approve a reduction in expenditures of (\$63,733) due to the elimination of the proposed part-time Economic Development Analyst.
- d. Approve additional appropriations of \$146,710 for a proposed Administrative Assistant position in the City Clerk's division to assist with all current and future hybrid Commissions and Committees meetings.
- e. Approve a reduction in expenditures of (\$17,011) due to the elimination of the proposed Assistant Director of Administrative Services
- f. Approve any other recommended changes as directed by City Council

2. Adopt Resolution No. 25-039 establishing a Capital Improvement Program Budget of \$4,225,000 for FY 2025-26.

3. Adopt Resolution No. 25-040 amending the Unrepresented Employees' Compensation Program

- a. Senior Business Systems Analyst Position Description; and
- b. Code Enforcement Supervisor Position Description

4. Adopt Resolution No. 25-041 amending the Cupertino Employees' Association (CEA) Memorandum of Understanding

- a. Assistant Housing Coordinator Position Description

5. Adopt Resolution No. 25-042 establishing an Appropriation Limit of \$141,134,546 for FY 2025-26

6. Provide direction on any remaining past and current City Work Program currently budget and FY 2024-25 Special Projects

7. Approve Resolution 25-043 and Budget modification number 2425-393 to reduce expenditures by \$326,266, in the General Fund to defund three special projects and two City Work Programs

Staff Report

A – Draft Resolution – Operating Budget for Fiscal Year 2025-26
B – Draft Resolution – Capital Budget for Fiscal Year 2025-26
C – Draft Resolution – Appropriations Limit for Fiscal Year 2025-26
D – Budget Adjustments Summary and Detail
E – Appropriation Limit for Fiscal Year 2025-26
F – Appropriation Limit Price and Population Factors for Fiscal Year 2025-26
G – Proposed Budget Study Session Supplemental Report
H – Planning Commission Adopted Resolution
I – Adopted FY 2025-27 City Work Program Budget Details
J – Code Enforcement Supervisor Position Description
K – Senior Business Systems Analyst Position Description
L – Assistant Housing Coordinator Position Description
M – Unrepresented Employees' Compensation Program (Redline)
N – Unrepresented Employees' Compensation Program (Clean)
O – UNREP Salary Schedule (Redline)
P – UNREP Salary Schedule (Clean)
Q – UNREP Salary Effective 7.01.2023
R – Draft Resolution Amending the Unrepresented Employees' Compensation Program
S – CEA Local 21 Employees' Compensation Program (Redline)
T – CEA Local 21 Employees' Compensation Program (Clean)
U – CEA Local 21 Salary Effective 7.01.2023
V – Draft Resolution Amending the CEA Local 21 Employees' Memorandum of Understanding
W – All Other Department Requests
X – City Council Special Project Policy
Y – All Special Projects from FY25 Q3
Z – CWP Status Updates from FY25 Q3
AA – Current CWP Status Updates for FY 23-25
AB – Ongoing Special Projects from FY25 Q3
AC – Maintenance and Equipment Purchase Special Projects from FY25 Q3
AD – Development Special Projects from FY25 Q3
AE – Special Projects as Defined in City Council Special Projects Policy
AF – Draft Resolution to Defund Special Projects

ACTION CALENDAR

9. Subject: Consider the potential purchase of and appoint a negotiator for 10480 Finch Avenue, owned by the Cupertino Unified School District, adjacent to Sedgwick Elementary School
- Recommended Action: Appoint the Interim City Attorney and Acting City Manager to negotiate with the Superintendent of the Cupertino Unified School District or her designee regarding the possible purchase of 10480 Finch Avenue, Cupertino, CA 95014, Assessor's Parcel Number 375-40-067, from Cupertino Unified School District on terms established by the City Council

Staff ReportA - Preliminary Environmental Assessment (September 2015)B - Supplemental Site Investigation (November 2015)C - School Cleanup Agreement with DTSC (June 2017)D - Removal Action Workplan (January 2018)E - Hazardous Materials Management Report (June 2018)**ITEMS REMOVED FROM THE CONSENT CALENDAR****CITY MANAGER REPORT**

10. Subject: City Manager Report

A - City Manager Report**ORAL COMMUNICATIONS - CONTINUED****COUNCILMEMBER REPORTS**

11. Subject: Councilmember Reports

A - Councilmember Report, FruenB - Councilmember Report, MohanC - Councilmember Report, Wang**FUTURE AGENDA ITEMS**

The Upcoming Draft Agenda Items Report is a tentative council meeting agenda calendar that lists upcoming City Council meeting dates and tentative agenda items, all of which are subject to change.

12. Subject: Upcoming Draft Agenda Items Report

A - Upcoming Draft Agenda Items Report**ADJOURNMENT**

Lobbyist Registration and Reporting Requirements: Individuals who influence or attempt to influence legislative or administrative action may be required by the City of Cupertino's lobbying ordinance (Cupertino Municipal Code Chapter 2.100) to register and report lobbying activity. Persons whose communications regarding any legislative or administrative are solely limited to appearing at or submitting testimony for any public meeting held by the City are not required to register as lobbyists. For more information about the lobbying ordinance, please contact the City Clerk's Office at 10300 Torre Avenue, Cupertino, CA 95014; telephone (408) 777-3223; email cityclerk@cupertino.org; and website: www.cupertino.org/lobbyist.

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/cityclerk> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request in advance by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, Cupertino, California 95014, during normal business hours; and in Council packet archives linked from the agenda/minutes page on the City web site.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the City Council, Commissioners or staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.

THE CITY COUNCIL AND STAFF

CITY COUNCIL

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

STAFF

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

TYPES OF COUNCIL ACTIONS

ORDINANCES

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

APPEALS

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

RECONSIDERATION

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

COMMUNICATING WITH COUNCIL

All Council members: citycouncil@cupertino.gov

Liang Chao	LiangChao@cupertino.gov	(408) 777-3192
Kitty Moore	KMoore@cupertino.gov	(408) 777-1389
J.R. Fruen	JRFruen@cupertino.gov	(408) 777-1316
Sheila Mohan	SMohan@cupertino.gov	(408) 777-1326
R "Ray" Wang	RWang@cupertino.gov	(408) 777-3138
Executive Assistant	serenat@cupertino.gov	(408) 777-3139
City Hall	www.cupertino.gov	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

NEWS AND NOTICES FROM CITY HALL

EMAIL

Sign up for e-notification of agendas, elections, and other news on the city website at www.cupertino.org/notify

TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

INTERNET

City Council and Planning Commission videos are available on demand at www.cupertino.org. Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152