



**APPROVED MINUTES
CUPERTINO CITY COUNCIL**

Tuesday, July 1, 2025

SPECIAL MEETING

At 5:33 p.m., Mayor Liang Chao called the Special City Council Meeting to order in City Hall Conference Room C, 10300 Torre Avenue, Cupertino, CA 95014.

ROLL CALL

Present: Mayor Liang Chao, Vice Mayor Kitty Moore, and Councilmembers J.R. Fruen, Sheila Mohan, and R "Ray" Wang. Absent: None.

In open session prior to closed session, Mayor Chao opened the public comment period regarding any items on the agenda. No members of the public requested to speak and Mayor Chao closed the public comment period.

CLOSED SESSION

1. Subject: Conference with legal counsel - existing litigation; California Government Code Section 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 and Yes In My Back Yard, 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.

2. Subject: Conference with legal counsel - anticipated litigation; California Government Code Section 54956.9(d)(4) and 54954.5(c): (six cases)

Council met with legal counsel regarding the anticipated litigation.

ADJOURNMENT

At 6:36 p.m., Mayor Chao adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:47 p.m., Mayor Chao called the Regular City Council Meeting to order and led the Pledge of Allegiance in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA 95014; and via teleconference.

ROLL CALL

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

CLOSED SESSION REPORT

City Attorney Floy Andrews reported on the special closed session meeting held at 5:30 p.m. City Attorney Andrews reported that there were no reportable actions.

CEREMONIAL ITEMS

1. Subject: Proclamation recognizing July as Parks and Recreation Month
Recommended Action: Recognize July as Parks and Recreation Month

Mayor Chao recognized July as Parks and Recreation Month.

PRESENTATIONS

2. Subject: Project Update Presentation by Midpeninsula Regional Open Space District (Midpen) Board Member
Recommended Action: Receive Project Update Presentation by Midpeninsula Regional Open Space District (Midpen) Board Member

Written communications for this item included a presentation.

Jed Cyr, Board President, and Craig Gleason, Ward 1 Director, both with Midpen, gave a presentation.

Council received the project update presentation by Midpen Board Members.

POSTPONEMENTS AND ORDERS OF THE DAY

MOTION: Wang moved and Mohan seconded to postpone Item 10, regarding Assembly Bill (AB) 306, to a date uncertain. 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:

Bianca Guerrero discussed pickleball noise mitigation.

Robert George, Connie Chin, Frank Chu, and Doug Thompson ceded time to Bianca Guerrero.

Anuop Singhal discussed pickleball noise mitigation.

Dena Newman Horeff, Meghan, Barbara, and Charity ceded time to Anoup Singhal.

Evan Yap discussed pickleball noise mitigation.

Jennifer Griffin discussed Senate Bill (SB) 79 and development along transit corridors.

Emilie Danna discussed pickleball noise mitigation.

Doug Gor, Susan Li, Jerry Colen, and Shen Li ceded time to Emilie Danna.

Mark Fantozzi discussed the proposed Evulich Court development project.

Rhoda Fry discussed Midpen, wildland-urban interface areas, Assembly Bill (AB) 306, and the redevelopment of the McClellan Terrace Apartments.

Lisa Warren discussed the City's potential purchase of 10480 Finch Avenue.

Chris Satterlee and Carol Satterlee discussed pickleball noise mitigation.

Planning Commissioner San R (representing self) discussed City outreach procedures and pickleball noise mitigation.

CONSENT CALENDAR (Items 3-11)

Councilmember Mohan removed items 8 and 9 from the Consent Calendar.

MOTION: Fruen moved and Wang seconded to reorder the agenda to hear Item 8 after Item 13. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: Moore. Absent: None.

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

MOTION: Moore moved and Wang seconded to approve Items 3-7 and 11 on the Consent Calendar. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

Item 9 was moved after the Action Calendar per rule.

3. Subject: Approval of May 28, 2025 City Council meeting minutes
Recommended Action: Approve the May 28, 2025 City Council meeting minutes
4. Subject: Approval of May 29, 2025 City Council meeting minutes
Recommended Action: Approve the May 29, 2025 City Council meeting minutes
5. Subject: Approval of June 6, 2025 City Council meeting minutes
Recommended Action: Approve the June 6, 2025 City Council meeting minutes
6. Subject: Approval of June 17, 2025 City Council minutes
Recommended Action: Approve the June 17, 2025 City Council minutes
7. Subject: Approval of updated future agenda items requested by City Councilmembers ("TBD List") (Continued from April 15, 2025 and May 6, 2025)
Recommended Action: Approve the updated future agenda items requested by City Councilmembers ("TBD List")

Written communications for this item included a supplemental report and Attachment C – Updated Attachment B: July 2025 Future Agenda Item List.

10. Subject: Accept Ad-Hoc Legislative Review Committee (LRC) City Council Subcommittee recommendation regarding Assembly Bill (AB) 306
Recommended Action: Accept the Ad-Hoc LRC City Council Subcommittee recommendation to oppose AB 306 and authorize the Mayor to send position letters to the state legislature

Written communications for this item included a desk item report and emails to the Council.

As noted under Postponements and Orders of the Day, this item was postponed to a date uncertain.

11. Subject: Approve a budget adjustment for a new special project, in I&T Applications Division for Digital Accessibility services to evaluate Cupertino's website, including a full Accessibility Audit with a comprehensive report, support for WCAG 2.1 AA compliance remediation, PDF accessibility remediation, and staff training.
Recommended Action: Adopt Resolution No. 25-052 approving Budget Modification No. 2526-397, increasing appropriations by \$50,687 in 100-32-308 750-282

PUBLIC HEARINGS

12. Subject: Public hearing to consider a Development Permit, Use Permit, Tentative Map, Architectural and Site Approval, and Tree Removal Permit to consider the construction of a 59-unit townhome condominium development. The project utilizes Senate Bill 330 and provisions of State Density Bonus law. (Application No(s): DP-2024-002, U-2024-007, TM-2024-001, ASA-2024-005, TR-2024-024; Applicant(s): SummerHill Homes, LLC; Location: 20770, 20830, and 20840 Stevens Creek Blvd; APNs: 359-08-025, -026, -027, and -028 (partial).)

Recommended Action: The Planning Commission considered this item at its regular meeting on June 10, 2025, and with a 5-0 vote that the City Council:

1. Find the project exempt from the California Environmental Quality Act (CEQA);
2. Make the required findings of No Net Loss (SB 166); and
3. Approve the following permits:
 - a. Adopt Resolution No. 25-053 approving Development Permit (DP-2024-002) (Attachment A);
 - b. Adopt Resolution No. 25-054 approving Use Permit (U-2024-007) (Attachment B);
 - c. Adopt Resolution No. 25-055 approving Architectural & Site Approval Permit (ASA-2024-005) (Attachment C);
 - d. Adopt Resolution No. 25-056 approving Tentative Final Map (TM-2024-001) (Attachment D); and
 - e. Adopt Resolution No. 25-057 approving Tree Removal Permit (TR-2024-024) (Attachment E).

Environmental Recommendation: Subject to Government Code section 65759(a) and exempt from CEQA under Section 15332.

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

Councilmembers disclosed any ex parte communications prior to deliberation.

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

Councilmembers asked questions and made comments.

Mayor Chao opened the public hearing and following members of the public spoke.

Jennifer Griffin

Rajiv Chamraj

Emad Ibrahim, representing Dish N Dash

Rhoda Fry

Planning Commissioner San R (representing self)

Louis Mirante, representing Bay Area Council

Mayor Chao closed the public hearing.

MOTION: Moore moved and Fruen seconded the recommended action to:

1. Find the project exempt from the California Environmental Quality Act (CEQA);
2. Make the required findings of No Net Loss (SB 166); and
3. Approve the following permits:
 - a. Adopt Resolution No. 25-053 approving Development Permit (DP-2024-002);
 - b. Adopt Resolution No. 25-054 approving Use Permit (U-2024-007);
 - c. Adopt Resolution No. 25-055 approving Architectural & Site Approval Permit (ASA-2024-005);
 - d. Adopt Resolution No. 25-056 approving Tentative Final Map (TM-2024-001); and
 - e. Adopt Resolution No. 25-057 approving Tree Removal Permit (TR-2024-024).

Environmental Recommendation: Subject to Government Code section 65759(a) and exempt from CEQA under Section 15332.

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

At 8:58 p.m., Mayor Chao recessed the meeting. The meeting reconvened at 9:06 p.m. with all Councilmembers present.

13. Subject: Approval of the Fiscal Year (FY) 2025-26 Fee Schedule Update (Continued from May 6, 2025)

Recommended Action: Adopt Resolution No. 25-058 approving FY 2025-26 Fee Schedules A, B, C, and D. If adopted, new fees will be effective by September 1, 2025.

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

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 hearing and following members of the public spoke.

Rhoda Fry

Lisa Warren

Planning Commissioner San R (representing self)

Mayor Chao closed the public hearing.

SUBSTITUTE MOTION: Chao moved and Wang seconded a substitute motion to direct staff to come back at a later date, in order to compare inquiries from last year and this year and propose a more gentle and gradual increase.

Chao modified the substitute motion to accept the staff recommendation, except for Schedule B, and to bring Schedule B back with staff recommendations based on the policy, including whether to implement full cost recovery or not, and also taking into consideration what the fee increase would have been last year. (Wang accepted the modification).

Chao further modified the substitute motion to accept the staff recommendation on all schedules except Schedule B, and for Schedule B, to increase it by the Consumer Price Index (CPI) and then review Schedule B. (Wang accepted the modification). The modified substitute motion failed with the following vote: Ayes: Chao and Wang. Noes: Moore, Fruen, and Mohan. Abstain: None. Absent: None.

MOTION: Wang moved and Moore seconded to adopt Resolution No. 25-058 approving FY 2025-26 Fee Schedules A, B, C, and D. The motion passed with the following vote: Ayes: Moore, Fruen, and Mohan. Noes: Chao and Wang. Abstain: None. Absent: None.

ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Subject: Appoint a negotiator for the potential purchase of 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.

Written communications for this item included a staff presentation and emails to the Council.

Correction noted: The property located at 10480 Finch Avenue is owned by the Cupertino Union School District (not Cupertino Unified School District) as denoted in the Subject and Recommended Action.

This item was removed from the Consent Calendar for discussion.

Vice Mayor Moore recused from this item and left the dais.

Director of Public Works Chad Mosley gave a presentation.

Councilmembers asked questions and made comments.

Mayor Chao opened the public hearing and following members of the public spoke.

Lisa Warren

Jennifer Griffin

Planning Commissioner San R (representing self)

Mayor Chao closed the public hearing.

MOTION: Fruen moved and Wang seconded to 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. The motion passed with the following vote: Ayes: Chao, Fruen, Mohan, and Wang. Noes: None. Absent (Recused): Moore. Absent: None.

MOTION: Chao moved and Wang seconded to extend the meeting to in order to complete Items 14 and 15. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

ACTION CALENDAR

14. Subject: Acceptance of FY 2025-26 Internal Audit Work Plan
Recommended Action: Accept the FY 2025-26 Internal Audit Work Plan

Written communications for this item included a consultant presentation.

Colleen Rozillis, Principal, and Chelsea Ritchie, Director, both with Baker Tilly, 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.

MOTION: Moore moved and Wang seconded to accept the FY 2025-26 Internal Audit Work Plan. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

15. Subject: Introduce Municipal Code amendments to Cupertino Municipal Code, Title 2, Chapter 2.96, Sections 2.96.010 Established-Composition and 2.96.020 Terms of Office, pertaining to the Economic Development Committee.
Recommended Action: 1. Conduct the first reading of Ordinance 25-2273 “An Ordinance of the City Council of the City of Cupertino Amending City Code Title 2 Chapter 2.96 Economic Development Committee, Section 2.96.010 Established-Composition and Section 2.96.020 Terms of Office.”
3. Find that the proposed actions are exempt from CEQA.

City Clerk Kirsten Squarcia reviewed the staff report.

Councilmembers asked questions and made comments.

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

MOTION: Moore moved and Wang seconded to:

1. Conduct the first reading of Ordinance 25-2273 “An Ordinance of the City Council of the City of Cupertino Amending City Code Title 2 Chapter 2.96 Economic Development Committee, Section 2.96.010 Established-Composition and Section 2.96.020 Terms of Office”; and
2. Find that the proposed actions are exempt from CEQA.

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

ADJOURNMENT

At 10:54 p.m. Mayor Chao adjourned the Regular City Council Meeting per rule. There was no Council discussion on the remaining agenda items.

ITEMS REMOVED FROM THE CONSENT CALENDAR - CONTINUED

9. Subject: Award of a design professional services agreement to DIALOG Design LP for the City Annex Improvements project (420-99-248) for the renovation of an existing building located at 10455 Torre Avenue for a total not-to-exceed amount of \$493,243. Recommended Action: 1. Award a design professional services agreement to DIALOG Design LP for the City Hall Annex Project in the amount not to exceed \$448,243; and 2. Authorize the City Manager to execute a Design Professional Services Agreement with DIALOG Design LP when all conditions have been met; and 3. Authorize the Director of Public Works to execute any necessary services or change orders, up to a contingency amount of \$45,000 (approximately 10% of base services,) for a total contact amount of \$493,243.

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

This item was removed from the Consent Calendar for discussion.

This item was continued to the July 15, 2025 City Council Meeting per rule.

STUDY SESSION

16. Subject: Study Session regarding possible updates to oversized vehicle parking restrictions in the public right-of-way
Recommended Action: Recommend that the City Council consider the Planning Commission's recommendations to amend Sections 11.24.130 (72-hour parking limit), Section 11.24.200 (removal of vehicles), Section 11.28.010 (definition of oversized vehicles), and Section 11.28.020 (vehicle parking regulations) of the Municipal Code, to enhance the current prohibition on parking oversized vehicles for more than seventy-two (72) hours on any public street

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

This item was continued to the July 15, 2025 City Council Meeting per rule.

CITY MANAGER REPORT**17. Subject: City Manager Report**

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

ORAL COMMUNICATIONS - CONTINUED – None**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 heard.

19. 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