



**DRAFT MINUTES
CUPERTINO CITY COUNCIL**

Tuesday, April 21, 2026

At 6:00 p.m., Mayor Moore called the regular City Council Meeting to order in City Hall Conference Room C, 10300 Torre Avenue, Cupertino, CA 95014.

ROLL CALL

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

In open session prior to closed session, Mayor Moore opened the public comment period, and seeing no one, closed the public comment period.

CLOSED SESSION

1. Subject: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code, section 54956.9: (2 cases)

Council discussed significant exposure to litigation.

RECESS

At 6:24 p.m., Mayor Moore recessed the meeting.

OPEN SESSION

CALL TO ORDER

At 6:49 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; and Teleconference Location Pursuant to Gov. Code 54953(b)(2): W Hotel, Lobby, 3940 S Las Vegas Blvd. W, Las Vegas, NV 89119.

ROLL CALL

Present: Mayor Kitty Moore, Vice Mayor Liang Chao, and Councilmembers J.R. Fruen, Sheila Mohan, and R “Ray” Wang (participated virtually).

Councilmember Wang confirmed that he was in the noticed public location, that he had posted the notice of the meeting at his remote location and that no other individuals over the age of 18 were with him and that no one had indicated to him that they were intending to make public comment or address the Council.

CLOSED SESSION REPORT

Mayor Moore reported that there was no reportable action during the closed session held at 6:00 p.m.

CEREMONIAL ITEMS

- Subject: Recognition of the Administrative Services Department (Budget, Finance, and Purchasing Divisions).
Recommended Action: Present proclamation recognizing the work of the Administrative Services Department (Budget, Finance, and Purchasing Divisions).

Acting Director of Administrative Services Jonathan Orozco received the proclamation.

Mayor Moore presented the proclamation recognizing the work of the Administrative Services Department (Budget, Finance, and Purchasing Divisions).

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:

Charlene Lee discussed artificial intelligence (AI) and student safety.

Planning Commissioner San Rao (representing self) (virtually) discussed no net loss Housing Element additions, and preservation of retail, commercial, and institutional properties.

Rhoda Fry (virtually) discussed new housing projects.

CONSENT CALENDAR (Items 3-12)

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

Deanne Everton (Item 7)

Jean Bedord (Item 5)

Rhoda Fry (virtually) (Item 5)

Planning Commissioner San Rao (representing self) (virtually) (Items 5 and 12)

Carole Conn, representing Project Sentinel (virtually) (Item 7)

Mayor Moore closed the public comment period.

Item No. 6 was removed from the Consent Calendar by Councilmember Wang.

MOTION: Chao moved and Wang seconded to approve Consent Calendar Items 3-5 and 7-12. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan and Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Moore moved and Chao seconded to reorder the agenda to hear Item No. 6. before Public Hearings. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan and Wang. Noes: None. Abstain: None. Absent: None.

3. Subject: Approval of April 1, 2026 City Council meeting minutes.
Recommended Action: Approve the April 1, 2026 City Council meeting minutes.
 4. Subject: Approval of April 7, 2026 City Council meeting minutes.
Recommended Action: Approve the April 7, 2026 City Council meeting minutes.
 5. Subject: Ratifying Accounts Payable for the periods ending March 13, 2026, and March 27, 2026
Recommended Action: A. Adopt Resolution No. 26-043 ratifying Accounts Payable for the Period ending March 13, 2026; and
B. Adopt Resolution No. 26-044 ratifying Accounts Payable for the Period ending March 27, 2026
 7. Subject: Fiscal Year (FY) 2026-27 Community Development Block Grant (CDBG) Program and Below Market Rate Affordable Housing Fund (BMR AHF) funding allocations; authorization to execute funding agreements; and approval of a BMR AHF \$75,000 public service funding cap.
Recommended Action: 1. Authorize the City Manager to execute the FY 2026-27 CDBG and BMR AHF funding agreements.
2. Approve Resolution No. 26-046 (Attachment A) to approve an annual \$75,000 public
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service funding cap for the BMR AHF fund.

Written communications for this item included a supplemental report.

8. Subject: Approval of Pride Flag Raising as a City Sponsored Special Event in June 2026 for Pride Month.
Recommended Action: Approve Pride Flag Raising as a City Sponsored Special Event in June 2026 for Pride Month.
9. Subject: Approval of Indian Independence Day Flag Raising as a City Sponsored Special Event on Friday August 14, 2026, to mark India's Independence Day on Saturday August 15, 2026
Recommended Action: Approve Indian Independence Day Flag Raising as a City Sponsored Special Event on Friday August 14, 2026, to mark India's Independence Day on Saturday August 15, 2026.
10. Subject: Approval of Second Amendment to extend the term through July 30, 2026 of the Interim City Attorney Agreement for City Attorney services by and between the City of Cupertino and Aleshire & Wynder, LLP, with Floy Andrews as Interim City Attorney.
Recommended Action: Approve the Second Amendment, extending the term through July 30, 2026, of the Interim City Attorney Agreement for City Attorney services with Aleshire & Wynder, LLP.
11. Subject: Accept Legislative Review Committee (LRC) recommendation supporting Assembly Bill 2517 (Calderon) Fire Safety: Fire Hazard Severity Zones.
Recommended Action: Adopt support position on Assembly Bill 2517 (Calderon) Fire Safety: Fire Hazard Severity Zones and authorize the Mayor to send letters to the state legislature.
12. Subject: Authorize the City Manager to execute a Second Amendment with the Cupertino Chamber of Commerce, initiating year three of the agreement and incorporating a revised scope of work with an annual amount not-to-exceed \$5,000. (Postponed on April 7, 2026)
Recommended Action: Authorize the City Manager to execute a Second Amendment with the Cupertino Chamber of Commerce, initiating year three of the agreement and incorporating a revised scope of work with an annual amount not-to-exceed \$5,000.

Written communications for this item included emails to Council and a supplemental report and a desk item Attachment J (Corrected Revised Scope of Work (redline)).

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. Subject: Award of construction contract for the Service Center Electric Vehicle Infrastructure Project to Lilypad EV, LLC in the amount of \$592,475; authorization to execute the construction contract, related change orders, and easement agreement for electrical facilities; and approval of budget modification #2526-438 accepting grant funding and increasing appropriations by \$225,230.

Recommended Action: 1. Award a construction contract for the Service Center Electric Vehicle Infrastructure Project in the amount of \$592,475 to Lilypad EV, LLC;

2. Authorize the City Manager to execute the construction contract when all conditions have been met;
3. Authorize the Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$59,248 (10%) for a total contract of \$651,723;
4. Authorize the Director of Public Works to execute an easement agreement with Pacific Gas and Electric Company (PG&E) for electrical facilities necessary to serve the project; and
5. Adopt Resolution No. 26-045 accepting up to \$225,230 in community resilience grant funding from Silicon Valley Clean Energy, appropriating monies for the Service Center Electric Vehicle Infrastructure Project (420-99-272).; and approve Budget Modification No. 2526-438, increasing appropriations by \$225,230.

Written communications for this item included emails to Council.

This item was removed from the Consent Calendar for discussion.

Director of Public Works Chad Mosely gave a verbal report.

Councilmembers asked clarifying questions.

Mayor Moore opened the public comment period and the following members of the public spoke:

Planning Commissioner San Rao (representing self) (virtually)

Councilmembers asked questions and made comments.

Mayor Moore closed the public comment period.

MOTION: Fruen moved and Moore seconded the staff recommendation to:

1. Award a construction contract for the Service Center Electric Vehicle Infrastructure Project in the amount of \$592,475 to Lilypad EV, LLC; and
2. Authorize the City Manager to execute the construction contract when all conditions have been met; and

3. Authorize the Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$59,248 (10%) for a total contract of \$651,723; and
4. Authorize the Director of Public Works to execute an easement agreement with Pacific Gas and Electric Company (PG&E) for electrical facilities necessary to serve the project; and
5. Adopt Resolution No. 26-045 accepting up to \$225,230 in community resilience grant funding from Silicon Valley Clean Energy, appropriating monies for the Service Center Electric Vehicle Infrastructure Project (420-99-272).; and approve Budget Modification No. 2526-438, increasing appropriations by \$225,230.

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

PUBLIC HEARINGS

13. Subject: Fiscal Year (FY) 2026-27 Fee Schedule Update
Recommended Action: Adopt Resolution No. 26-047 approving FY 2026-27 Fee Schedules A, B, C, and D. If adopted, new fees will be effective by July 1, 2026.

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

Acting Director of Administrative Services Jonathan Orozco gave a presentation.

Councilmembers asked clarifying questions.

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

Heather Dean

Jean Bedord

Planning Commissioner San Rao (representing self) (virtually)

Councilmembers asked questions and made comments.

Mayor Moore closed the public hearing.

Moore requested an informational memorandum for a Bingo Operations Update regarding the two organizations currently holding Bingo permits to include fee waivers and financial reporting of these organizations. Councilmember Fruen further requested information on the City's current \$250 total prize cap against the limits set by other jurisdictions (Moore accepted).

Chao requested an informational memo on the city's fee recovery policy, outlining which fees are

waived or subsidized per council direction, showing before-and-after cost recovery percentages, and noting where this information is available on the City website.

Councilmembers disclosed any ex-parte communications.

MOTION: Chao moved and Mohan seconded the staff recommendation to adopt Resolution No. 26-047 approving FY 2026-27 Fee Schedules A, B, C, and D. If adopted, new fees will be effective by July 1, 2026. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan and Wang. Noes: None. Abstain: None. Absent: None.

At 8:26 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 8:34 p.m. with all Councilmembers present (Wang virtually).

ACTION CALENDAR

14. Subject: Introduction and first reading of an Ordinance to amend Cupertino Municipal Code Chapter 9.17 Single-Use Carryout Bags, pertaining to regulation of single-use carryout bags at retail stores and restaurants.
Recommended Action: 1. Introduce and conduct the first reading of Ordinance 26-2280 "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 9.17 Single-Use Carryout Bags."
2. Find that the proposed actions are exempt from CEQA.

Written communications for this item included staff presentation.

Environmental Programs and Sustainability Manager Ursula Syrova gave a presentation.

Councilmembers asked clarifying questions.

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

Planning Commissioner San Rao (representing self) (virtually)

Councilmembers asked questions and made comments.

Mayor Moore closed the public hearing.

MOTION: Chao moved and Mohan seconded the staff recommendation to conduct the first reading of Ordinance 26-2280 "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 9.17 Single-Use Carryout Bags", and find that the proposed actions are exempt from CEQA. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, and Mohan. Noes: Wang. Abstain: None. Absent: None.

15. Subject: Introduction and first reading of an Ordinance to amend Cupertino Municipal Code Chapter 16; amend Resolution No. 25-092 (2025 Building Code Adoption) to conform to requirements from the California Building Standards Commission (CBSC). Recommended Action: 1. Adopt Resolution No. 26-048 Amending Resolution No. 25-092 Making Findings Relating to Local Climatic, Geographical, or Topographical Conditions Supporting Amendments and changes to the 2025 California Building Standards Code; and
2. Introduce and conduct first reading of Ordinance No. 26-2281: "An Ordinance of the City Council of the City of Cupertino amending Chapters 16.02, 16.04, 16.06, 16.10, 16.16, 16.20, 16.24, 16.40, 16.42, 16.54, 16.58, 16.62, 16.64, 16.68 and 16.80 of Title 16 of the Cupertino Municipal Code Adopting the California Building, Residential, Electrical, Mechanical, Plumbing, energy, Wildland-Urban Interface Code, Historical Building Code, Fire, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and Property Maintenance Code, With Certain Exceptions, Deletions, Modifications, Additions and Amendments."

Written communications for this item included staff presentation.

Building Official Sean Hatch gave a presentation and Deputy Building Official Phoung Devries was also present.

Councilmembers asked clarifying questions.

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

Councilmembers asked questions and made comments.

MOTION: Wang moved and Fruen seconded to adopt the staff recommended action to:

1. Adopt Resolution No. 26-048 Amending Resolution No. 25-092 Making Findings Relating to Local Climatic, Geographical, or Topographical Conditions Supporting Amendments and changes to the 2025 California Building Standards Code; and

2. Introduce and conduct first reading of Ordinance No. 26-2281: "An Ordinance of the City Council of the City of Cupertino amending Chapters 16.02, 16.04, 16.06, 16.10, 16.16, 16.20, 16.24, 16.40, 16.42, 16.54, 16.58, 16.62, 16.64, 16.68 and 16.80 of Title 16 of the Cupertino Municipal Code Adopting the California Building, Residential, Electrical, Mechanical, Plumbing, energy, Wildland-Urban Interface Code, Historical Building Code, Fire, Existing Building Code, Green Building Standards Code, Referenced Standards Code, Uniform Housing Code, and Property Maintenance Code, With Certain Exceptions, Deletions, Modifications, Additions and Amendments."

conduct first reading of Ordinance No. 26-2281: "An Ordinance of the City Council of

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

16. Subject: Introduction and first reading of an Ordinance to amend Cupertino Municipal Code Title Five (Business Licenses and Regulations) to Establish Chapter 5.51 to Regulate Film Production.

Recommended Action: Introduce and conduct the first reading of Ordinance No. 26-2282: "An Ordinance of the City Council of the City of Cupertino Amending City Code Title Five (Business Licenses and Regulations) to Establish Chapter 5.51 to Regulate Film Production."

Written communications for this item included staff presentation.

City Attorney Floy Andrews gave a presentation.

Councilmembers asked clarifying questions.

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

Councilmembers asked questions and made comments.

Mayor Moore closed the public hearing.

MOTION: Wang moved and Fruen seconded the staff recommended action to: Introduce and conduct the first reading of Ordinance No. 26-2282: "An Ordinance of the City Council of the City of Cupertino Amending City Code Title Five (Business Licenses and Regulations) to Establish Chapter 5.51 to Regulate Film Production."

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

CITY MANAGER REPORT

17. Subject: City Manager Report

City Manager Tina Kapoor included the City Manager Newsletter, which includes recent highlights and upcoming events as provided in the published agenda.

ORAL COMMUNICATIONS – CONTINUED - None

COUNCILMEMBER REPORTS

18. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

As noted under Item No. 13, two informational memoranda were requested on the following:

- 1) Bingo Operations Update regarding the two organizations currently holding Bingo permits to include fee waivers and financial reporting of these organizations (Moore), and information on the City's current \$250 total prize cap against the limits set by other jurisdictions (Fruen).
- 2) City's fee recovery policy, outlining which fees are waived or subsidized per council direction, showing before-and-after cost recovery percentages, and noting where this information is available on the City website.

19. Subject: Upcoming Draft Agenda Items Report

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

ADJOURNMENT

At 9:14 p.m., Mayor Kitty Moore adjourned the Regular City Council Meeting.

Minutes prepared by:

Lauren Sapudar, City Clerk