DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, November 4, 2025

At 5:30 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): The W Hotel, 3940 S Las Vegas Blvd W, Las Vegas, NV 89119.

CLOSED SESSION

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.

1. Subject: Public Employee Appointment Consideration; California Government Code Sections 54954.5(e) and 54957(b)(1); Title: City Manager

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

Council considered public employee appointment for the City Manager.

2. Subject: Conference with Legal Counsel - Anticipated Litigation; California Government Code Sections 54954.5(c) and 54956.9(e)(1); (2 cases)

Council met with legal counsel regarding the anticipated litigation.

At 6:43 p.m., Mayor Chao recessed the meeting.

OPEN SESSION

At 6:52 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):

The W Hotel, 3940 S Las Vegas Blvd W, Las Vegas, NV 89119.

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 5:30 p.m. City Attorney Andrews reported that there was no reportable action.

CEREMONIAL ITEMS

Mayor Chao announced the annual Veterans Day Ceremony on Tuesday, November 11, at the Cupertino Veterans Memorial.

PRESENTATIONS

3. Subject: Presentation from Toyokawa Sister City delegation regarding recent student exchange
Recommended Action: Receive presentation from Toyokawa Sister City delegation regarding recent student exchange

Written communications for this item included a written report.

Beth Wichmann, Vice President of Student Delegations for the Cupertino Toyokawa Sister City program, Larry Blair, Head Chaperone, and student speaker Joya Quo, on behalf of the delegation, provided a report.

Council received the presentation from Toyokawa Sister City delegation regarding their recent student exchange.

4. Subject: Presentation from Hsinchu Sister City delegation regarding recent student exchange
Recommended Action: Receive presentation from Hsinchu Sister City delegation regarding recent student exchange

Chianching Lin, President of the Cupertino Hsinchu Sister City program, and student speakers Harley and Evelyn Tom, along with Chaperone Chris Nutter, on behalf of the delegation, provided a report.

Council received the report from the Hsinchu Sister City delegation regarding their recent student exchange.

5. Subject: Presentation from Santa Clara Valley Water Valley District on recent updates from the District
Recommended Action: Receive presentation from Santa Clara Valley Water District

Written communications for this item included a presentation.

Aaron Baker, Chief Operating Officer for the Santa Clara Valley Water District, and Darin Taylor, Chief Financial Officer, gave a presentation.

POSTPONEMENTS AND ORDERS OF THE DAY

MOTION: Chao moved and Moore seconded to reorder the agenda to hear item 13 before item 12. 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:

Peggy Griffin discussed the Oversized Vehicle Parking Ordinance.

Belinda Hantout discussed homelessness and housing shelter options.

Rhoda Fry discussed housing legislation related to college properties, the Oversized Vehicle Parking Ordinance, and the lighting of the Public Storage building.

Jenny discussed open-door office hours for residents with the Council and City staff.

Planning Commissioner San Rao (representing self) discussed vacating the public right of way for Mary Avenue.

Lisa Warren discussed the windows and lighting of the Public Storage building.

Ghirish Thobi discussed the Mary Avenue Villas project.

CONSENT CALENDAR (Items 6-10)

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

MOTION: Moore moved and Fruen seconded to approve the items on the consent calendar as presented. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

6. Subject: Approval of October 13, 2025 City Council meeting minutes
Recommended Action: Approve the October 13, 2025 City Council meeting minutes

7. Subject: Approval of October 21, 2025 City Council Special Meeting minutes
Recommended Action: Approve the October 21, 2025 City Council Special Meeting minutes

8. Subject: Approval of October 21, 2025 City Council minutes
Recommended Action: Approve the October 21, 2025 City Council minutes

9. Subject: Mitigation Fee Act - the Annual & Five-Year Report for Fiscal Year (FY) 2024-2025
Recommended Action: Adopt Resolution No. 25-090 entitled "A Resolution of the City of Cupertino City Council approving the Annual and Five-Year Mitigation Fee Report for Fiscal Year ending June 30, 2025" to:
1. Make the required findings; and
2. Approve the Annual & Five-Year Mitigation Fee Report for the Fiscal Year ending June 30, 2025, as required by Government Code Section 66000 et seq.

10. Subject: Award a contract to Professional Turf Management for maintenance services at Blackberry Farm Golf Course for a total not-to-exceed amount of $750,000 and approve a budget modification in the amount of $125,000.
Recommended Action: 1. Award a three-year contract to Professional Turf Management to provide maintenance services at Blackberry Farm Golf Course in the amount not to exceed $250,000 per year, totaling $750,000;
2. Authorize the City Manager to execute the contract with Professional Turf Management when all conditions have been met;
3. Authorize the City Manager to extend the contract for up to two additional years, at an annual amount not to exceed $250,000, for a five-year total not-to-exceed $1,250,000, provided pricing and services remain acceptable; and
4. Adopt Resolution No. 25-091, approving budget modification #2526-415, increasing appropriations by $125,000 in the Blackberry Farm Golf Course Fund funded from the

Enterprise Fund.

Written communications for this item included a supplemental report with staff responses to councilmember questions.

PUBLIC HEARINGS

11. Subject: Introduce an ordinance for Municipal Code Amendments to Title 16, Buildings and Construction, of the Cupertino Municipal Code adopting the California Buildings Standards Code and Fire Code, for consistency with Assembly Bill 130 and making local exceptions as mandated by the State of California

Recommended Action: 1. Introduce and conduct the first reading of Ordinance No. 25 -2278: "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, Fire, 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";

2. Adopt Resolution No. 25-092 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.

3. Find the project is exempt from CEQA pursuant to 14 California Code of Regulations Sections 15061(b)(3) and 15308.

Written communications for this item included a staff presentation, supplemental staff report, desk item with staff responses to councilmember questions, emails to the Council, and a written communication from Vice Mayor Moore.

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

Councilmembers asked questions and made comments.

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

Jennifer Griffin
Rhoda Fry
Planning Commissioner San Rao (representing self)

Mayor Chao closed the public hearing.

MOTION: Moore moved and Wang seconded to adopt the recommended action, as amended:

1. Introduce and conduct the first reading of Ordinance No. 25-2278: "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, Fire, 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";
2. Adopt Resolution No. 25-092 making factual findings with respect to the local geological, topographical, and climatic conditions necessary to make local amendments to the California Building Standards Code.
3. Find the project is exempt from CEQA pursuant to 14 California Code of Regulations Sections 15061(b)(3) and 15308; and
4. Amend to include the Tier 2 correction to Section 4.106.4.2.6, and direct staff to review the language, including the pros and cons, of the two optional items (Appeals and Interpretive Authority), and return with recommendations.

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

At 8:41 p.m., Mayor Chao recessed the meeting. The meeting reconvened at 8:46 p.m. with all Councilmembers present.

STUDY SESSION

13. Subject: Update on the development of the Active Transportation Plan, including a summary of Phase 1 activities and an overview of what to expect during Phase 2
Recommended Action: Receive an update on the development of the Active Transportation Plan and provide feedback on the draft project prioritization criteria

Written communications for this item included a staff presentation, a desk item report with staff responses to councilmember questions, supplemental report Phase 1 public participation summary, and emails to the Council.

As noted under Postponements and Orders to the day, this item was heard before Item 12.

Consultant Christopher Kidd Senior, Senior Associate Planner with Alta Planning + Design. gave a presentation, and Transportation Manager David Stillman and Transit and Transportation Planner Matt Shroeder answered questions.

Councilmembers asked questions and made comments.

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

Peggy Griffin
Jennifer Shearin
Planning Commissioner Seema Lindskog (representing self)
Planning Commissioner San Rao (representing self)
Greg Shtilman

Mayor Chao closed the public comment period.

MOTION: Wang moved to cancel the Active Transportation Plan (ATP) until consultants with a more balanced approach are engaged, and to direct staff to understand the shift in the mandate to address vehicular modes of transit, and to take into account the Planning Commission's recommendations. There was no second, and the motion was not considered.

MOTION: Chao moved and Wang seconded to extend the meeting by thirty minutes to consider Item 12. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, and Wang. Noes: Mohan. Abstain: None. Absent: None.

Chao moved and Wang seconded to:

- Drop "Public Input" from ranking criteria since it's not objective and unreliable.
- Remove Fairness as a ranking criterion, as the CIP adoption process will address that.
- Add "Cost-efficiency (user impact)" to ranking criteria - low cost high impact projects should have high priority.
- Add impact to vehicular traffic to artery streets as a ranking criterion to subtract points.
- Add and prioritize technology solutions such as sensor driven pedestrian bicyclist detection
    - Safe driving technology - speedometer, red light cameras
- Need inputs from drivers on dangerous points.
- School crossing - needs traffic management too, in addition to bike and ped infrastructure.
- Need data:
        - Longer trip data from cell phone data, in addition to short trip data
        - Project list generated
        - Data for De Anza Buffered Bike Lane connected so far.
        - Hopper data
        - TDM data from Apple

FRIENDLY AMENDMENT: Moore made a friendly amendment to add grant funding (Chao and Wang accepted the friendly amendment).

- Drop "Public Input" from ranking criteria since it's not objective and unreliable.
- Remove Fairness as a ranking criterion as the CIP adoption process will address that.
- Add "Cost-efficiency (user impact)" to ranking criteria - low cost high impact projects should have high priority; and **grant funding.**
- Add impact to vehicular traffic to artery streets as a ranking criterion to subtract points.
- Add and prioritize technology solutions such as sensor driven pedestrian bicyclist detection
    - Safe driving technology - speedometer, red light cameras
- Need inputs from drivers on dangerous points.
- School crossing - needs traffic management too, in addition to bike and ped infrastructure.
- Need data:
    - Longer trip data from cell phone data, in addition to short trip data
    - Project list generated
    - Data for De Anza Buffered Bike Lane connected so far.
    - Hopper data
    - TDM data from Apple

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

ACTION CALENDAR

12. Subject: Introduce Ordinance No. 25-2279: "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."

Recommended Action: Conduct the first reading of Ordinance No. 25-2279: "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 a staff presentation, a desk item report with staff responses to councilmember questions, emails to the Council.

Communications and Marketing Coordinator Samantha LoCurto gave a presentation.

Councilmembers asked questions and made comments.

MOTION: Wang moved and Moore seconded to extend the meeting until 11:15 p.m. to complete

Item 12. The 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 members of the public spoke.

Peggy Griffin
Planning Commissioner San Rao (representing self)

Mayor Chao closed the public comment period.

MOTION: Chao moved and Wang seconded to Conduct the first reading, as amended, of Ordinance No. 25-2279: "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."

- 5.51.020(A) Definitions. Strike the nonprofit organization, which qualifies under Section 501 (c)**(4)**
- 5.51.060(A) Notice. The film location must receive notice of filming at least ~~forty-eight (48)~~ **seventy two (72)** hours prior to the first day of filming.
- 5.51.060(B) Filming Hours. The hours for filming are 7:00 a.m. to ~~10:00 p.m.~~ **8:00 p.m.** for residential areas

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

SUBSTITUTE MOTION: Fruen moved and Wang seconded a substitute motion to conduct the first reading, as amended, of Ordinance No. 25-2279: "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."

- ~~5.51.020(A) Definitions. Strike the nonprofit organization, which qualifies under Section 501 (c)**(4)**~~
- 5.51.060(A) Notice. The film location must receive notice of filming at least ~~forty-eight (48)~~ **seventy two (72)** hours prior to the first day of filming.
- 5.51.060(B) Filming Hours. The hours for filming are 7:00 a.m. to ~~10:00 p.m.~~ **8:00 p.m.** for residential areas

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

ADJOURNMENT

At 11:16 p.m., Mayor Chao adjourned the Regular City Council Meeting per rule. There was no further discussion on the remaining agenda items.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None

CITY MANAGER REPORT

14. Subject: City Manager Report

Written communications for this item included a supplemental 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

15. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

The Council did not hear this item.

16. Subject: Upcoming Draft Agenda Items Report

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

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

Minutes prepared by:

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Kirsten Squarcia, City Clerk