



**DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, June 17, 2025**

SPECIAL MEETING

At 5:35 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; and via teleconference locations: Burlington Marriott Lobby, 1 Burlington Mall Rd, Burlington, MA 01803; and Via Nemorense 15, 00199 Roma RM, Italy.

ROLL CALL

Present: Mayor Liang Chao, Vice Mayor Kitty Moore, and Councilmembers J.R. Fruen (participated remotely), 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 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 Labor Negotiators, unrepresented employee; Title: Acting City Manager; California Government Code Sections 54954.5(f) and 54957.6(a)

The Council met with Conference with Labor Negotiators.

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

The Council discussed City Manager Recruitment.

ADJOURNMENT

At 6:39 p.m., Mayor Chao adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:48 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 and via teleconference; and via teleconference locations: Burlington Marriott Lobby, 1 Burlington Mall Rd, Burlington, MA 01803; and Via Nemorense 15, 00199 Roma RM, Italy.

ROLL CALL

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

CLOSED SESSION REPORT

City Attorney Floy Andrews reported on the special meeting closed session held at 5:30 p.m., City Attorney Andrews reported that the City Council unanimously voted to appoint Tina Kapoor as Interim City Manager.

City Attorney Andrews also reported on the special meeting closed sessions held on June 3 and June 6:

On June 3, the City Council voted to approve a draft separation, severance, and general release agreement with City Manager Pamela Wu, who had been on administrative leave since May 2. Mayor Chao and Councilmembers Wang, Mohan, and Fruen voted in favor; Vice Mayor Moore voted against.

On June 6, the Council considered the same agreement, which had been signed by City Manager Wu with minor changes. Mayor Chao and Councilmembers Wang and Mohan voted in favor; Vice Mayor Moore voted against, and Councilmember Fruen was absent. At that time, the separation, severance, and general release agreement became final. The salient provisions of the voluntary agreement include the following: the former City Manager will receive eight months of her twelve-month severance; a payout of unused vacation and administrative leave totaling \$311,089.53; and eight months of COBRA coverage. Former City Manager Wu agreed to waive her right to bring suit against the City for any known or unknown claims and the City also agreed to waive its right to sue the former City Manager. Ms. Wu, on the one hand, and elected City officials, the appointed City Manager, and the City Attorney, on the other, agreed to refrain from making any slanderous, libelous, or disparaging statements about one another. Both parties were represented by legal counsel.

CEREMONIAL ITEMS

1. Subject: Proclamation recognizing Friends of the Cupertino Library
Recommended Action: Present proclamation recognizing Friends of the Cupertino Library

Bob McKibbin accepted the proclamation on behalf of the Friends of the Cupertino Library.

Mayor Chao presented the proclamation recognizing Friends of the Cupertino Library.

2. Subject: Proclamation recognizing the Cupertino-De Anza Optimist Club
Recommended Action: Present proclamation recognizing the Cupertino-De Anza Optimist Club

Dennis Whittaker accepted the proclamation on behalf of the Cupertino-De Anza Optimist Club.

Mayor Chao presented the proclamation recognizing the Cupertino-De Anza Optimist Club.

3. Subject: Certificates of Recognition to Kennedy Middle School Science Olympiad Team, second place winners at 2025 Science Olympiad National Tournament
Recommended Action: Present certificates of recognition to Kennedy Middle School Science Olympiad Team for placing second at the 2025 Science Olympiad National Tournament

Dr. Dewees Gwendolyn, Principal Kennedy Middle School, and the Science Olympiad Team received the certificates of appreciation.

Mayor Chao presented the certificates of recognition to the Kennedy Middle School Science Olympiad Team for placing second at the 2025 Science Olympiad National Tournament.

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:

Stanley Young, representing IFPTE Local 21/CEA, discussed labor negotiations.

Rodney Weathers discussed contract negotiations for City employees.

Rhoda Fry discussed the budget, zoning legislation, and the redevelopment of the McClellan Terrace Apartments.

William Jiang discussed safety measures at Wilson Park baseball field.

Jennifer Griffin discussed state housing legislation and retail along Stevens Creek Boulevard.

Vivek Sagdeo discussed the development project at 20840 Stevens Creek Boulevard.

Rajiv Chamraj discussed development projects at 20840 Stevens Creek Boulevard and 20739 Scofield Drive.

Nupur Hiremath, representing Silicon Valley Clean Energy (SVCE), discussed the SVCE organization.

Alex Corbalis discussed contract negotiations for City employees.

Peggy Griffin discussed proposed state legislation on local zoning and community college housing near De Anza College.

Planning Commissioner San R (representing self) discussed City employees and budget, including annual fees and consultant costs.

CONSENT CALENDAR (4-11)

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

Charles Williams (Item 9)

Jean Bedord (Items 6 and 11)

Planning Commissioner San R (representing self) San R (Item 9)

Mayor Chao closed the public comment period.

Councilmembers made comments.

Moore requested an informational memorandum on the loss of retail, including the estimated amount of potential retail space lost since 2018 due to SB 35, the Housing Accountability Act, the Density Bonus Law, and SB 330.

MOTION: Wang moved and Mohan seconded to approve Items 4-11 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.

4. Subject: Approval of June 3, 2025 Special City Council meeting minutes
Recommended Action: Approve the June 3, 2025 City Council meeting minutes
5. Subject: Approval of June 3, 2025 Regular City Council meeting minutes
Recommended Action: Approve the June 3, 2025 Regular City Council meeting minutes
6. Subject: Approval of negotiated Separation, Severance, and General Release Agreement with City Manager Pamela Wu
Recommended Action: Ratify the Agreement of Separation, Severance, and General Release by and Between the City of Cupertino (City) and City Manager Pamela Wu (Employee), dated June 6, 2025
7. Subject: Amendment to 2025 Council Committee Assignments to designate Vice Mayor Kitty Moore as the Second Alternate to attend the ABAG General Assembly and Conference on June 20, 2025
Recommended Action: Amend the 2025 Council Committee Assignments to designate Vice Mayor Kitty Moore as the Second Alternate to attend the ABAG General Assembly and Conference, scheduled for Friday, June 20, 2025, from 10:00 a.m. to 11:30 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA 94105
8. Subject: Ratifying Accounts Payable for the periods ending May 9, 2025, and May 23, 2025
Recommended Action: A. Adopt Resolution No. 25-044 ratifying Accounts Payable for the Period ending May 9, 2025; and
B. Adopt Resolution No. 25-045 ratifying Accounts Payable for the Period ending May 23, 2025

Written communications for this item included emails to the Council.

9. 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: Conduct the second reading of Ordinance No. 25-2272 (Attachment A): "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".

10. Subject: Approval of a Final Map and the Subdivision Improvement Agreement for the 7-Unit Bianchi Way Development Project (Tract No. 10648; Applicant: Bianchi Way LLC; Location: 10070-10082 Bianchi Way; APN: 359-07-021)

Recommended Action: Adopt Resolution No. 25-046:

- 1) Approving the final map consisting of Tract No. 10648;
- 2) Accepting the street dedication and public easements as shown on the map; and
- 3) Authorizing the City Engineer to execute and record the Subdivision Improvement Agreement.

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

11. Subject: Amendment to the Grant Agreement with Apple Inc. (Apple) to include the Interstate 280/Wolfe Road Interchange Project as an eligible project in the agreement, reallocate donated funds to the Interchange Project, and accept the grant funds; and, Amendment to the Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the Interchange Project to extend the term to December 31, 2029.

Recommended Action: That the City Council:

- 1) Authorize the City Manager to Execute an Amendment to the June 18, 2019, Grant Agreement between the City of Cupertino and Apple Inc. to:
 - a) Include the I-280/Wolfe Road Interchange Project as an eligible Grant Project; and
 - b) Reallocate \$1,400,000 in donated grant funds from the 2019 Grant Agreement to support the I-280/Wolfe Road Interchange Project (100-88-844 900-964); and
 - c) Accept up to \$2,600,000 in Additional Grant Funds from Apple Inc. to address the funding gap for the I-280/Wolfe Road Interchange Project; and
 - d) Adopt Resolution No. 25-047 approving Budget Modification #2425-396 to transfer out \$333,333.33 from fund 420 and transfer into fund 100, and budget grant revenue of \$3,666,666.67 into fund 100 with an expense of \$4,000,000.
- 2) Approve the Fifth Amendment to the January 25, 2016, Funding Agreement with the Santa Clara Valley Transportation Authority for I-280/Wolfe Road Interchange Improvements Project to extend the term of the agreement to December 31, 2029.

PUBLIC HEARINGS

12. Subject: Brush Abatement Program hearing to hear objections to proposed removal of
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brush and order abatement of the public nuisance; Resolution ordering abatement of potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding Defensible space (brush) and Resolution No. 25-029

Recommended Action: 1.) Conduct Brush Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing brush; and

2.) Adopt the Resolution No. 25-048 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding defensible space (brush) and Resolution No. 25-029 (Attachment A).

Written communications for this item included a staff presentation.

City Clerk Kirsten Squarcia gave a presentation.

Councilmembers asked questions and made comments.

Santa Clara County Fire Department Assistant Chief Hector Estrada answered questions.

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

MOTION: Mohan moved and Wang seconded to adopt the Resolution No. 25-048 ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding defensible space (brush) and Resolution No. 25-029. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

ACTION CALENDAR

13. Subject: Approve agreements for post-collection services and destination facilities for garbage and construction and demolition (C&D) debris with attendant rate increases
- Recommended Action: 1. Adopt Resolution No. 25-049 approving the following agreements for post-collection services, and authorize the City Manager to execute the agreements in substantially the same form as presented:
- a. An Agreement with Zanker Road Resource Management, LLC for solid waste construction and demolition (C&D) material processing services to begin November 21, 2025, with a ten-year term
 - b. An agreement with International Disposal Corporation of California, Inc., for disposal of garbage at Newby Island Sanitary Landfill Facility with a ten-year term
 - c. A Merchant agreement with the City of Sunnyvale for garbage processing at the Sunnyvale Materials Recovery and Transfer Station (SMart Station) and residue

disposal for a term of 20 years

2. Adopt Resolution No. 25-050 approving Budget Modification #2526-395 increasing appropriations in the Resource Recovery (Fund 520) budget by \$35,000 through the use of fund balance to cover differences in disposal and C&D processing cost during the period between November, 21 2025 and January 31, 2026, allowing customer rates to remain unchanged until the beginning of Recology's Rate Period Six, which begins February 1, 2026

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

Environmental Programs and Sustainability Manager Ursula Syrova gave a presentation.

Councilmembers asked questions and made comments.

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

Planning Commissioner San R (representing self)

Peggy Griffin

Lisa Warren

Mayor Chao closed the public comment period.

MOTION: moved and seconded to:

1. Adopt Resolution No. 25-049 approving the following agreements for post-collection services, and authorize the City Manager to execute the agreements in substantially the same form as presented:
 - a. An Agreement with Zanker Road Resource Management, LLC for solid waste construction and demolition (C&D) material processing services to begin November 21, 2025, with a ten-year term
 - b. An agreement with International Disposal Corporation of California, Inc., for disposal of garbage at Newby Island Sanitary Landfill Facility with a ten-year term
 - c. A Merchant agreement with the City of Sunnyvale for garbage processing at the Sunnyvale Materials Recovery and Transfer Station (SMart Station) and residue disposal for a term of 20 years
2. Adopt Resolution No. 25-050 approving Budget Modification #2526-395 increasing appropriations in the Resource Recovery (Fund 520) budget by \$35,000 through the use of fund balance to cover differences in disposal and C&D processing cost during

the period between November, 21 2025 and January 31, 2026, allowing customer rates to remain unchanged until the beginning of Recology's Rate Period Six, which begins February 1, 2026

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

At 9:03 p.m., Mayor Chao recessed the meeting. The meeting was reconvened at 9:10 p.m. with all Councilmembers present.

14. 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."
2. Find that the proposed actions are exempt from CEQA.

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

City Attorney Floy Andrews reviewed the staff report.

Councilmembers asked questions and made comments.

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

Sustainability Commissioner Susan Hansen, representing the Sustainability Commission

Sustainability Commissioners Sonali Padgaonkar and Jack Carter ceded their time to Susan Hansen

Planning Commissioner San R (representing self)

Mayor Chao closed the public comment period.

MOTION: Chao moved and Moore seconded for staff to return with an amended first reading of the Ordinance at the July 1 City Council meeting, with changes to the EDC (Economic Development Committee) composition so that it includes representatives from the Sustainability Commission, Planning Commission, Technology, Information, and Communications Commission (TICC), and Parks and Recreation Commission, each

serving a one-year term. All other details of the Ordinance will remain unchanged.

AMENDMENT: Chao amended the motion for the EDC to be composed of one Councilmember and three Commissioners, one each from the Planning Commission, Sustainability Commission, and TICC, with each commission representative serving a one-year term. All other details of the Ordinance will remain unchanged. Moore accepted the amendment.

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

15. Subject: Options on preservation and anti-displacement of Below Market Rate (BMR) units; Consider approval of BMR Anti-Displacement Policy

Recommended Action: Receive presentation on preservation and anti-displacement for tenants residing in expiring Below Market Rate units in market rate developments for adoption; Adopt Resolution No. 25-051 (Attachment A) approving amendments to the BMR Admin Manual to create an anti-displacement policy for tenants residing in expiring Below Market Rate units

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

Senior Housing Coordinator Nicky Vu gave a presentation.

Councilmembers asked questions and made comments.

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

Jennifer Griffin

Jean Bedord

Jan Fabry

Sujatha Venkatraman, representing West Valley Community Services

Rhoda Fry

Peggy Griffin

Planning Commissioner San R (representing self)

Mayor Chao closed the public comment period.

MOTION: Chao moved and Wang seconded to extend the meeting until 11:20 p.m. to allow for completion of Item 15. The motion passed with the following vote: Ayes: Chao, Moore,

Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Mohan moved and Chao seconded to adopt Resolution No. 25-051, as amended, to proceed with the waitlist procedure, with the condition that consideration of anti-displacement relocation assistance be deferred to a future date.

Amendment:

Remove Sections 5, 6, and 7 from the Draft Resolution, and direct staff to return with additional information on those sections at a future meeting.

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

ADJOURNMENT

At 11:15 p.m., Mayor Chao adjourned the Regular City Council Meeting per rule. There was no Council discussion on the remaining agenda items.

16. Subject: Consider the potential purchase of and appoint a negotiator for the potential purchase of 10480 Finch Avenue, owned by the Cupertino Unified School District, adjacent to Sedgwick Elementary School (postponed from July 3, 2025)

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.

This item was continued to the July 1, 2025 City Council meeting per rule.

ITEMS REMOVED FROM THE CONSENT CALENDAR - None

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.

As noted under the Consent Calendar, Moore requested an informational memorandum on the loss of retail, including the estimated amount of potential retail space lost since 2018 due to SB 35, the Housing Accountability Act, the Density Bonus Law, and SB 330.

Minutes prepared by:

Kirsten Squarcia, City Clerk