



CUPERTINO

DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, December 16, 2025

SPECIAL MEETING

At 4:32 p.m., Mayor Kitty Moore called the Special 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): Renaissance Shihlin Taipei Hotel, No. 8, Lane 470, Section 5, Zhongshan N Rd, Shilin District, Taipei City, Taiwan 11141.

ROLL CALL

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

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

CLOSED SESSION

1. Subject: Conference With Legal Counsel-Existing Litigation, Govt. Code Sections 54956.9(1)(d) and 54954.5(c); Names of Cases:
 1. Yes In My Backyard, et al. v. City of Cupertino, et al., Santa Clara County Superior; Court, Case No. 25CV263924;
 2. Lixin (Leon) Chen, et al. v. City of Cupertino, et al., Santa Clara County Superior Court; Case No. 25CV46285; and
 3. In Re: 10505 Madrone Court, Cupertino, CA 95014, Santa Clara County Superior Court; Case No. 24CV443930.

Written communications for this item included emails to the Council.

Council met with Legal Counsel on the existing litigation. Names of Cases:

1. Yes In My Backyard, et al. v. City of Cupertino, et al., Santa Clara County Superior

Court, Case No. 25CV263924;

2. Lixin (Leon) Chen, et al. v. City of Cupertino, et al., Santa Clara County Superior Court, Case No. 25CV46285; and
3. In Re: 10505 Madrone Court, Cupertino, CA 95014, Santa Clara County Superior Court, Case No. 24CV443930.

2. Subject: Conference With Legal Counsel-Anticipated Litigation, Govt. Code Sections 54956.9(2) and 54954.5(c) (one case)

Council met with Legal Counsel on the Anticipated Litigation.

3. Subject: Public Employee Performance Evaluation, Govt. Code Sections 54957 and 54954.5(e); Title: Interim City Attorney

Council conducted the Public Employee Performance Evaluation for the Interim City Attorney.

ADJOURNMENT

At 6:43 p.m., Mayor Moore adjourned the Special City Council meeting.

REGULAR MEETING

At 6:48 p.m., Mayor Kitty Moore 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; Teleconference Location Pursuant to Gov. Code 54953(b)(2): Renaissance Shihlin Taipei Hotel, No. 8, Lane 470, Section 5, Zhongshan N Rd, Shilin District, Taipei City, Taiwan 11141.

ROLL CALL

Present: Mayor Kitty Moore, Vice Mayor Liang Chao, 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 4:30 p.m. City Attorney Andrews reported that there was no reportable action.

CEREMONIAL ITEMS - None

PRESENTATIONS

1. Subject: Presentation by the Outgoing and Incoming Cupertino Poet Laureates Keiko O'Leary (2023-2024) and Thomas Celerier (2026-2028)

Recommended Action: Receive presentation by the Outgoing and Incoming Cupertino Poet Laureates Keiko O'Leary (2023-2024) and Thomas Celerier (2026-2028)

Written communications included poems from Keiko O'Leary (Friends Create Cupertino) and Thomas Celerier (Angels Bath).

Correction: City Clerk Kirsten Squarcia noted that Keiko O'Leary's term was extended to 2025, not 2024 as indicated in the agenda item.

Council received the presentation by the Outgoing and Incoming Cupertino Poet Laureates Keiko O'Leary (2023-2025) and Thomas Celerier (2026-2028).

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:

Planning Commissioner San Rao (representing self) discussed the recent transition in Council leadership, oversight regarding interagency matters, and Council unity.

Jennifer Griffin discussed loss of retail and restaurants in Cupertino and SB 330 and Builder's Remedy projects.

Rhoda Fry discussed study sessions and Council actions, budget oversight, and the Shop Cupertino program and business licenses.

Lisa Warren discussed loss of retail and restaurants in Cupertino.

Call-In User 1 discussed transparency and a meeting regarding a code enforcement matter involving the Huang family.

CONSENT CALENDAR (Items 2-9)

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

on consent calendar items.

Rhoda Fry (Item 5)

San Rao (Item 5)

Mayor Moore closed the public comment period.

Councilmembers made comments.

MOTION: Fruen moved and Chao seconded to approve Consent Calendar Items 2-9. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

2. Subject: Approval of December 1, 2025 City Council meeting minutes
Recommended Action: Approve the December 1, 2025 City Council meeting minutes
3. Subject: Approval of December 2, 2025 City Council meeting minutes
Recommended Action: Approve the December 2, 2025 City Council meeting minutes
4. Subject: Ratifying Accounts Payable for the periods ending November 7, 2025, and November 21, 2025
Recommended Action: A. Adopt Resolution No. 25-103 ratifying Accounts Payable for the Period ending November 7, 2025; and
B. Adopt Resolution No. 25-104 ratifying Accounts Payable for the Period ending November 21, 2025
5. Subject: Receive the FY 2024-25 Annual Comprehensive Financial Report (ACFR)
Recommended Action: Receive the FY 2024-25 Annual Comprehensive Financial Report (ACFR)

Written communications for this item included emails to Council.

6. Subject: Accept Ad-Hoc Legislative Review Committee (LRC) City Council Subcommittee recommendation regarding adopting the Legislative Platform and forming the Legislative Review Committee by Resolution of the City Council
Recommended Action: Accept Ad-Hoc Legislative Review Committee (LRC) City Council Subcommittee recommendation to:
 1. Adopt the Legislative Platform; and
 2. Form the Legislative Review Committee by Resolution of the City Council.

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

7. Subject: Appointment of 2026 Council Committee assignments
Recommended Action: Ratify 2026 Council Committee assignments

Written communications for this item included a desk item Attachment A – Draft 2026 Council Committee Assignments and an email to the Council.

8. Subject: City Council meeting schedule through January 20, 2027
Recommended Action: Adopt Resolution No. 25-105 establishing the City Council meeting schedule through January 20, 2027

9. Subject: 2025 Commission and Committee Annual Activities Report
Recommended Action: Receive the 2025 Commission and Committee Activities Report

PUBLIC HEARINGS

10. Subject: Consideration of a new residential development project consisting of 55-townhome-condominium units and 10 ADUs, housed within ten three-story buildings, on three contiguous parcels, totaling 2.72-acres, located on the south side of Stevens Creek Boulevard at the present location of the United Furniture site. (Application No(s): DP-2024-004, ASA-2024-008, TM-2024-005, & U-2025-004; Applicant(s): Nick Kosla (Toll Brothers); Location: 10075 E. Estates & 19610 Stevens Creek Blvd. (A.P.N.: 369-06-002, -003, -004)
Recommended Action: 1. Find the project exempt from the California Environmental Quality Act (CEQA)
2. Approve the following:
a. Adopt Resolution No. 25-106 approving Development Permit (DP-2024-004) (Attachment A);
b. Adopt Resolution No. 25-107 approving Use Permit (U-2025-004) (Attachment B);
c. Adopt Resolution No. 25-108 approving Architectural & Site Approval Permit (ASA-2024-008) (Attachment C); and
d. Adopt Resolution No. 25-109 approving Tentative Final Map (TM-2024-005) (Attachment D).

Written communications for this item included staff and applicant presentations, a desk item report with answers to councilmember questions, and Attachments H - Cupertino Idlewild Fiscal Impact Analysis, I - Fiscal Impact Peer Review for Cupertino Idlewild, J - Third-party peer review of the applicant-prepared technical reports for the Idlewild Townhomes Project, K - Response to comments on the Idlewild Townhomes Project California Environmental Quality Act (CEQA) Exemption Memo, and L - Santa Clara Department of Environmental Health letters to Idlewild TIC; and emails to the Council.

Director of Community Development Ben Fu and Senior Planner Gian Martire gave a presentation.

Councilmembers disclosed ex parte communications related to this item.

Councilmembers asked questions and made comments.

Terri McCracken, Principal, and Cathy Fitzgerald, Senior Engineer, at Placeworks, responded to questions.

Nick Kosla, Vice President of Land Entitlement, at Toll Brothers, gave a presentation.

Alicia Guerra, Shareholder at Buchalter Law Firm, responded to questions.

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

Jennifer Griffin

Rhoda Fry

Lisa Warren

Planning Commissioner San Rao (representing self)

Mayor Moore closed the public hearing.

MOTION: Fruen moved and Mohan seconded to approve the staff recommendation to:

1. Find the project exempt from the California Environmental Quality Act (CEQA)
2. Approve the following:
 - a. Adopt Resolution No. 25-106 approving Development Permit (DP-2024-004);
 - b. Adopt Resolution No. 25-107 approving Use Permit (U-2025-004);
 - c. Adopt Resolution No. 25-108 approving Architectural & Site Approval Permit (ASA-2024-008); and
 - d. Adopt Resolution No. 25-109 approving Tentative Final Map (TM-2024-005).

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

At 9:06 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 9:09 p.m. with all Councilmembers present.

ACTION CALENDAR

11. Subject: Determine City Hall Improvements project scope and resources, approve budget modification in the amount of \$54,000,000 and authorize design-build delivery methods.

Recommended Action: For the Capital Improvement Programs (CIP) City Hall Improvements project (Project),

1. Approve the proposed scope of the Project:

a. Risk Category IV Renovation of Structural System

b. Maintain Current Footprint: Reconfigure Interior, no vertical or horizontal expansion

c. No Parking Expansion

d. Upgrades to Infrastructure and Accessibility

2. Adopt Resolution No. 25-110 approving Budget Modification No. 2425-425, increasing appropriations by \$54,000,000 in the Capital Improvement Fund for the Project (420-99-250);

3. Authorize the City Manager to undertake a design-build project delivery method for the Project;

4. Adopt Resolution No. 25-111 approving the procurement of a design-build contract for the Project.

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

Director of Public Works Chad Mosley and Capital Improvement Programs Manager Susan Michael gave a presentation, and Director of Administrative Services Kristina Alfaro presented funding information.

Councilmembers asked questions and made comments.

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

Planning Commissioner San Rao (representing self)

David Y

Ram Sripathi

Lisa Warren

Planning Commissioner Tracy Kosolcharoen (representing self)

Mayor Moore closed the public comment period.

MOTION: Chao moved and Moore seconded to approve the recommended action, as modified and to move forward with Option A, to:

1. Approve the proposed scope of the Project:
 - a. Risk Category IV Renovation of Structural System
 - b. Maintain Current Footprint: Reconfigure Interior, no vertical or horizontal expansion
 - c. No Parking Expansion
 - d. Upgrades to Infrastructure and Accessibility
2. Adopt Resolution No. 25-110, as modified, approving Budget Modification No. 2425-425, increasing appropriations by \$2,500,000 in the Capital Improvement Fund for the Project (420-99-250);
3. Authorize the City Manager to undertake a design-build project delivery method for the Project;
4. Adopt Resolution No. 25-111 approving the procurement of a design-build contract for the Project.

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

ADJOURNMENT

At 10:45 p.m., Mayor Kitty Moore adjourned the Regular City Council Meeting. There was no further discussion on the remaining agenda items.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None

CITY MANAGER REPORT

12. Subject: City Manager Report

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

ORAL COMMUNICATIONS – CONTINUED – None

COUNCILMEMBER REPORTS

13. 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.

14. 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