



APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, September 16, 2025

At 5:46 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

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 item on the agenda. The following members of the public requested to speak.

Lisa Warren (Item 1)

Mayor Chao closed the public comment period.

CLOSED SESSION

1. Subject: Conference with Real Property Negotiators; California Government Code Section 54954.5
Property: Finch property
Agency Negotiators: Tina Kapoor, Interim City Manager, and Floy Andrews, Interim City Attorney
Negotiating parties: City of Cupertino and Cupertino Union School District
Under negotiation: Price and terms of payment

Council met with real property negotiators (Moore recused).

2. Subject: Conference with Legal Counsel - existing litigation; California Government Code Sections 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

Yes In My Backyard, 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.

3. Subject: Conference with Legal Counsel - anticipated litigation, California Government Code Sections 54956.9(d)(4) and 54954.4(c): (1 case)

Council met with legal counsel regarding the anticipated litigation.

At 6:46 p.m., Mayor Chao recessed the meeting.

OPEN SESSION

At 6:53 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.

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 actions taken during the closed session held at 5:45 p.m. City Attorney Andrews reported that there was no reportable action.

CEREMONIAL ITEMS

4. Subject: Recognition of September 15-October 15 as National Hispanic Heritage Month
Recommended Action: Recognize September 15-October 15 as National Hispanic Heritage Month

Mayor Chao recognized September 15-October 15 as National Hispanic Heritage Month.

5. Subject: Recognition of September 16 as National IT Professionals Day
Recommended Action: Present proclamation recognizing September 16 as National IT Professionals Day

Chief Technology Officer Teri Gerhardt, Innovation Technology Manager Tommy Yu, Senior Business Systems Analyst Adam Araza, and Management Analyst Marilyn Pavlov received the proclamation.

Mayor Chao recognized September 16 as National IT Professionals Day.

6. Subject: Recognition of Friends of Children with Special Needs (FCSN) for supporting families with disabilities and promoting inclusion in the community
Recommended Action: Present proclamation recognizing Friends of Children with Special Needs (FCSN) for supporting families with disabilities and promoting inclusion in the community

Anna Wang, Vice President of Enrichment Programs and Community Relations at FCSN, and Yee-Yeen Wang, FCSN Board Co-Chair, received the proclamation.

Mayor Chao recognized FCSN for supporting families with disabilities and promoting inclusion in the community.

7. Subject: Recognition of Parents Helping Parents for supporting families facing disability and promoting inclusive systems of care
Recommended Action: Present proclamation to Parents Helping Parents for supporting families facing disability and promoting inclusive systems of care

Written communications for this item included a presentation and informational handouts.

Janet Nunez, Program Director, and Aparna Venkataraman, Resources Coordinator, from Parents Helping Parents received the proclamation.

Mayor Chao recognized Parents Helping Parents for supporting families facing disability and promoting inclusive systems of care.

POSTPONEMENTS AND ORDERS OF THE DAY

MOTION: Chao moved and Moore seconded to reorder the agenda to hear Item 22 before Item 21. 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:

Caroline Gupta and Peter Deng, representing Tessellations School, discussed the Tessellations School organization.

Jennifer Griffin discussed Senate Bill (SB) 79, Housing Development Transit-Oriented Development.

Richard Lowenthal discussed a proposal for the city to acquire property near Varian Park for recreational trails.

Planning Commissioner Seema Lindskog (representing self) discussed Planning Commission member conduct and Council oversight.

Evan Lojewski discussed Planning Commission member conduct during public meetings.

Bicycle Pedestrian Commissioner Herve Marcy (representing self) discussed Council meeting procedures and public comment process in meetings.

Bicycle Pedestrian Commissioner Joel Wolf (representing self) discussed Planning Commission member conduct in meetings and public participation.

Jennifer Shearin discussed Planning Commission member conduct and oversight.

Lisa Warren discussed potential uses and development considerations for the Finch property.

Louise Saadati discussed Council's participation in community events, meeting scheduling, and public comment procedures.

Planning Commissioner San Rao (representing self) discussed Planning Commission meetings and meeting procedures.

Lina Lang discussed the Mary Avenue Villas project.

Frank Wang discussed a pedestrian crossing near Stevens Creek Boulevard for students.

Babu Srinivasan discussed meeting decorum, public dialogue, and a proposed student bus service.

Michael Wang discussed agenda item timing, meeting scheduling, and SB 79, Housing Development Transit-Oriented Development.

CONSENT CALENDAR (Items 8-19)

Mohan removed Item 19 from the Consent Calendar for discussion.

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

Neil Park-McClintick (Item 11)

Ava Chiao (Item 11)

Tyler Alison, representing Silicon Valley DSA (Item 11)

Nick Finan (Item 11)

Dennis Low (Item 11)

Vivian Low (Item 11)

Cassandra Magana, representing West Valley Community Services (Item 11)

Amanda Flores, representing West Valley Community Services (Item 11)

Maria, representing West Valley Community Services (Item 11)

Rachel (Item 11)

Brenda Bell Brown, representing West Valley Community Services (Item 11)

Jean Bedord (Items 11 and 18)

Housing Commissioner Connie Cunningham (representing self) (Item 11)

Planning Commissioner Steven Scharf (representing self) (Items 11 and 18)

Louise Saadati (Item 11)

Planning Commissioner San Rao (representing self) (Item 16)

Mayor Chao closed the public comment period.

MOTION: Chao moved and Moore seconded to postpone Item 17 to a date to be determined and Item 11 regarding the Ad-Hoc LRC Subcommittee Recommendation for Measure A to a special City Council meeting on October 13. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, and Wang. Noes: Mohan. Abstain: None. Absent: None.

MOTION: Chao moved and Wang seconded to approve the Consent Calendar items 8-10 and 12-16. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Chao moved and Moore seconded for Item 11 to accept the Ad-Hoc LRC Subcommittee recommendation to request a veto for Senate Bill 63 and Senate Bill 707, and authorize the Mayor to send position letters to the State. The motion passed with the following

vote: Ayes: Chao, Moore, and Wang. Noes: Fruen and Mohan. Abstain: None. Absent: None.

MOTION: Chao moved and Wang seconded to approve Item 18 to:

1. Award a design professional services agreement to DIALOG Design LP for the City Hall Annex Project for basic services in the amount not to exceed
2. \$448,243; and
3. Authorize the City Manager to execute a Design Professional Services Agreement with DIALOG Design LP when all conditions have been met; and
4. Authorize the Director of Public Works to execute any necessary additional services, up to a contingency amount of \$45,000 (approximately 10% of base services,) for a total not to exceed amount of \$493,243.

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

MOTION: Chao moved and Moore seconded to reorder the agenda to hear Item 19, followed by Item 20, and then Item 21. The motion passed with the following vote: Ayes: Chao, Moore, Mohan and Wang. Noes: Fruen. Abstain: None. Absent: None.

8. Subject: Approval of September 3, 2025 City Council meeting minutes
Recommended Action: Approve the September 3, 2025 City Council meeting minutes
9. Subject: Ratifying Accounts Payable for the periods ending August 1, 2025; August 15, 2025; and August 29, 2025
Recommended Action: A. Adopt Resolution No. 25-076 ratifying Accounts Payable for the Period ending August 1, 2025;
B. Adopt Resolution No. 25-077 ratifying Accounts Payable for the Period ending August 15, 2025; and
C. Adopt Resolution No. 25-078 ratifying Accounts Payable for the Period ending August 29, 2025.
10. Subject: Internal Audit Work Program: Special Revenue Fund Process Review
Recommended Action: Receive the Special Revenue Fund Process Review Report

Written communications for this item included a supplemental report with staff answers to councilmember questions.
11. Subject: Accept Ad-Hoc Legislative Review Committee (LRC) City Council Subcommittee recommendation regarding Senate Bill 63, Senate Bill 707, and Measure A
Recommended Action: Accept the Ad-Hoc LRC City Council Subcommittee recommendation to request a veto for Senate Bill 63 and Senate Bill 707, oppose

Measure A, and authorize the Mayor to send position letters to the State and County

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

As noted at the beginning of the Consent Calendar, these items were considered separately. Council approved the Ad-Hoc LRC Subcommittee's recommendation to request a veto for Senate Bills 63 and 707 and authorized the Mayor to send position letters, and continued the Measure A recommendation to a special City Council meeting on October 13.

12. Subject: Library Commission's Recommendation of Thomas Celerier for appointment of the new 2026-2028 Cupertino Poet Laureate
Recommended Action: Adopt Resolution No. 25-079 approving the Library Commission's recommendation and appoint Thomas Celerier as the new 2026-2028 Cupertino Poet Laureate.
13. Subject: Approve a First Amendment to the contract with Independent Code Consultants, Inc., for an increase of \$120,000 to provide On-Call Plan Review Services for FY26 for a total not-to-exceed amount of \$315,000.
Recommended Action: Authorize the City Manager to execute a first amendment to the existing consultant agreement with Independent Code Consultants, Inc. to provide On-Call Plan Review Services, increasing the contract amount by \$120,000 for a new total not-to-exceed contract amount of \$315,000.
14. Subject: Approve a Second Amendment to the contract with West Coast Code Consultants, Inc. for an increase of \$80,000 to provide On-Call Professional Building Services for FY26 for a total not-to-exceed amount of \$300,000.
Recommended Action: Authorize the City Manager to execute a second amendment to the existing consultant agreement with West Coast Code Consultants, Inc. to provide On-Call Professional Building Services, increasing the contract amount by \$80,000 for a new total not-to-exceed contract amount of \$300,000.
15. Subject: Second reading and enactment of proposed amendments to Municipal Code Chapters 19.08 (Definitions), and 19.112 (Accessory Dwelling Units) and Associated Environmental Review. (Application No. MCA-2025-001; Applicant: City of Cupertino; Location: City-wide)
Recommended Action: Conduct the second reading and enact Ordinance No. 25-2274: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING MUNICIPAL CODE CHAPTER 19.08, AND CHAPTER 19.112 REGARDING ACCESSORY DWELLING UNIT (ADU) LAWS"

16. Subject: Second reading and enactment of Municipal Code amendments to Cupertino Municipal Code, Title 11, Vehicles and Traffic, Section 11.24.130, Section 11.27.050, Section 11.28.010, and Section 11.28.020, pertaining to the overnight parking of oversized vehicles on public streets
Recommended Action: Conduct the second reading and enact Ordinance 25-2275: "An Ordinance of the City Council of the City of Cupertino Amending Title 11, Vehicles and Traffic, of the City of Cupertino Municipal Code Sections 11.24.130 (Prohibited for more than seventy-two hours), Section 11.27.050 (Issuance of permits to residents and members of designated groups), Section 11.28.010 (Definitions), and Section 11.28.020 (Parking of oversized vehicles restricted)"
17. Subject: Memorandum of Understanding (MOU) between the City of Cupertino and other local public agencies in Santa Clara County to fund the Composting Education Program in the amount of \$9,186.90 (January 2026 – June 30, 2027, with an option for a two-year extension)
Recommended Action: Authorize the City Manager to execute an MOU between the City of Cupertino and other local public agencies in Santa Clara County to fund the Composting Education Program and allocate \$9,186.90 from Resource Recovery Fund 520 for Cupertino's share of program costs for the term January 2026 – June 30, 2027, with no impact to the General Fund

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

As noted at the beginning of the Consent Calendar, this item was continued to a date to be determined.

18. Subject: Award of a design professional services agreement to DIALOG Design LP for the City Hall 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 for basic services 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 additional services, up to a contingency amount of \$45,000 (approximately 10% of base services,) for a total not to exceed amount of \$493,243.

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

At 9:03 p.m., Mayor Chao recessed the meeting. The meeting reconvened at 9:15 p.m. with all councilmembers present.

MOTION: Chao moved and Moore seconded to reorder the agenda to hear Item 22 immediately following Item 19. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

ITEMS REMOVED FROM THE CONSENT CALENDAR

19. Subject: Conditionally Accept the Stevens Creek Boulevard Corridor Vision Study
Recommended Action: Adopt Resolution No. 25-080 conditionally accepting the Stevens Creek Boulevard Corridor Vision Study, requiring the following conditions be met before supporting the recommended implementation actions of the long-term, high-capacity transit project:
- Prepare a comprehensive regional travel demand and needs analysis.
 - Complete a cost-benefit analysis, including local fiscal impacts for any high-capacity transit proposal.
 - Assess future transportation technologies and their compatibility with proposed improvements along the corridor (e.g., autonomous vehicles and microtransit).
 - Preserve, to the maximum extent feasible, Cupertino's existing investments along the corridor.
 - City Council review and approval of any implementation steps involving infrastructure or land use changes within Cupertino City limits.

This item was pulled from the Consent Calendar for separate consideration and reordered to be heard before Public Hearings (Item 20).

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

Emily Poon
Harry Neil
Jennifer Griffin
Babu Srinivasan
Planning Commissioner San Rao (representing self)
Louise Saadati
Betsy Megas
Michael Wang

Mayor Chao closed the public comment period.

Director of Public Works Chad Mosley, Transportation Manager David Stillman, and Transit and Transportation Planner Matt Schroeder provided updates and answered questions.

Councilmembers asked questions and made comments.

MOTION: Chao moved and Moore seconded to:

- Authorize the Mayor to send a letter to VTA with a copy of the draft resolution and stating that VTA should not have accepted the study without getting any input from the City or residents. The letter would restate the conditions in the draft resolution under which we would consider any future study along the corridor.
- And further, authorize the Mayor to write a letter to the steering committee on the concerns that the bylaws were not approved by individual jurisdictions and were not followed by the steering committee, such as two voting members from each jurisdiction, and on the concerns of Brown Act violations, such as agenda packets not being properly prepared.
- Approve the draft resolution on the agenda that staff has created based on the Council's direction from September 3, adding a statement that Cupertino will not invest any more City funding, resources, or staff time in the steering committee and working group until the conditions stated in the resolution are met.
- The letter to the steering committee would include the statement above.

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

MOTION: Chao moved and Wang seconded to extend the meeting to 11:30 p.m. to consider Item 22 and then Item 20. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

STUDY SESSION

22. Subject: Options on Commission Oversight of Transportation Matters (Continued from September 3, 2025). Note: Public comment will be reopened for individuals who did not provide comment on September 3.

Recommended Action: Provide input to staff on the preferred options for having transportation projects reviewed by commissions and provide direction to staff to take the necessary steps to implement the changes.

Written communications for this item included a desk item report and a supplemental report with staff answers to councilmember questions.

Director of Public Works Chad Mosley and Transportation Manager David Stillman answered questions.

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

Jennifer Griffin

Planning Commissioner Seema Lindskog (representing self)

Evan Lojewski

Bicycle Pedestrian Commissioner Herve Marcy (representing self)

Bicycle Pedestrian Commissioner Joel Wolf

Ava Chiao

Neil Park McClintick

Jean Bedord

Housing Commissioner Connie Cunningham (representing self)

Planning Commissioner Steven Scharf (representing self)

Jennifer Kwee

Beck Poltronetti

Louise Saadati

Emily Poon

Planning Commissioner San Rao (representing self)

Rosa Kim

Helen Wiant

Bill Wilson

Betsy Megas

MOTION: Moore moved and Wang seconded to suspend the rules to extend the meeting time to complete Item 22. The motion passed with the following vote: Ayes: Chao, Moore, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

The public comment period continued and the following members of the public spoke.

Babu Srinivasan

Jennifer Shearin

Alvin Yang

TICC Prabir Mohanty

Venkat Ranganathan

Mayor Chao closed the public comment period.

Councilmembers asked questions and made comments.

MOTION: Chao moved and Wang seconded for the following:

1. No change to 2.92 (Bike Ped Commission name or its Powers and Functions)
2. Add to 2.32.070 (PC Powers and Functions): **Make policy recommendations** to the City Council to implement the General Plan, including, but not limited to, elements in land use, mobility, environment, health and safety, and infrastructure.
3. Add to 2.32.070: **Assess proposed projects for potential environmental impacts** in accordance with the California Environmental Quality Act (CEQA). Review environmental documents and **recommend mitigation measures** or project alternatives to reduce impacts and support the General Plan;
4. Add to 2.32.070: Make recommendations on **transportation related planning documents**, such as Vision and Master plans. The Commission shall **consider the impact on economic and community development** (including environmental, aesthetic, public health and safety, and level of services for traffic and safe routes to school).
5. Add to 2.32.070: Make recommendations on **planning projects, including CIP projects**. Evaluate impacts on all modes of transportation, including, but not limited to, vehicular traffic, transportation management plans, parking capacity, transit options (including shuttles).
6. Add to 2.32.070: **Provide advice** on any matter, including policies and programs, pertaining to **land use planning and transportation systems** affecting the city.

Council did not vote on this motion.

FRIENDLY AMENDMENT: Wang offered a friendly amendment for the Bicycle Pedestrian Commission to report to the Planning Commission per Option 2, with the Planning Commission having authority over the ATP, Vision Zero, and other initiatives. The friendly amendment was not accepted and was not incorporated into the motion.

SUBSTITUTE MOTION: Moore moved and Fruen seconded a substitute motion to take no action (making no changes to Municipal Code Chapter 2.92 regarding the Bicycle Pedestrian Commission's name, powers, or functions), but to ensure the Commission carries out its responsibilities under Section 2.92.080(B), which include reviewing, making recommendations, and monitoring the City's General Plan Transportation Element. Council should exercise prudence in referring items to the Planning Commission and Bicycle Pedestrian Commission, following staff recommendations regarding whether a joint or separate meeting is appropriate. Council should consider updating the Code regarding the Planning Commission as a separate item on the same topic, as the Commission may lack expertise for certain aspects of a transportation

study.

FRIENDLY AMENDMENT: Fruen made a friendly amendment as a direction to the City Manager to develop additional policy on increased transparency around a specific class of projects. As described in Chao's motion. (Moore accepted the friendly amendment.)

FRIENDLY AMENDMENT: Chao proposed a friendly amendment for staff to consider the responsibilities and points raised in her motion and to evaluate them. (Moore and Fruen accepted the friendly amendment, with staff understanding that they would evaluate the suggestions as overarching topics when bringing them back to the Council.)

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

ADJOURNMENT

At 12:36 a.m., on Wednesday, September 17, Mayor Chao adjourned the Regular City Council Meeting. There was no further discussion on the remaining items.

PUBLIC HEARINGS

20. Subject: Introduce amendments to Cupertino Municipal Code, adding Title 14, Chapter 14.30 Small Wireless Facilities In Public Rights-Of-Way, pertaining to regulation of wireless facilities within City streets

Recommended Action: 1. Conduct the first reading of Ordinance 25-2276 "An Ordinance of the City Council of the City of Cupertino adding City Code Title 14 Chapter 14.30 Small Wireless Facilities In Public Rights-Of-Way";

2. Adopt Resolution No. 25-081 approving the "Regulations for Construction, Operation, and Maintenance of Small Wireless Facilities in the Public Right of Way"; and

3. Find that the proposed actions are exempt from CEQA.

Written communications for this item included a presentation.

This item was continued to the October 7 Regular City Council meeting per rule.

ACTION CALENDAR

21. Subject: Revisions to Cupertino City Council Procedures Manual

Recommended Action: Adopt Resolution No. 25-082 amending the Cupertino City Council Procedures Manual

Written communications for this item included a presentation.

This item was continued to the October 7 Regular City Council meeting per rule.

CITY MANAGER REPORT

23. Subject: City Manager 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

24. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

25. 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