CUPERTINO

DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, July 7, 2026

SPECIAL MEETING

At 5:46 p.m., Mayor Moore called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference.

ROLL CALL

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

STUDY SESSION

1. Subject: Study Session to Update the Health and Safety Element of the Cupertino General Plan: 2015 - 2040 Community Vision.
Recommended Action: Receive the presentation and provide input on the Public Draft of the Health and Safety Element of the Cupertino General Plan: 2015 - 2040 Community Vision.

Written communications for this item included staff presentation.

PlaceWorks Senior Associate Eli Krispi gave a presentation.

Planning Manager Piu Ghosh and Assistant Director of Community Development Luke Connolly were also present.

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

Jennifer Griffin (virtually)

Councilmembers asked questions and made comments.

Moore requested an Informational Memorandum regarding Santa Clara County Sheriff's

Department emergency response time standards.

Council received the presentation and provided the following input on the Public Draft of the Health and Safety Element:

Mohan:

- Seeking clarification on whether seismic retrofitting is a required policy for city buildings to ensure emergency service preparedness. Staff clarified that seismic retrofitting is included as a policy in the draft Health and Safety Element.
- Noted that freeway evacuation routes are clearly marked on the current map, neighborhood-level routes are unclear. Per draft policy, staff will update the city’s GIS system to integrate and make emergency access routes publicly available. Staff noted however, in the event of an actual emergency, the emergency access routes may change due to the location of the emergency.

Chao:

- What noise mitigation measures regarding truck noise have been considered in the past? Are they working or not?
- Investigate truck movement restrictions on Stevens Creek and Foothill Boulevards. Staff responded to state that the proposed policy addresses this issue directly.
- Contact the county to clarify the status of the quarry's historical use permit regarding its current operations. Staff clarified that there is ongoing coordination with County staff on this matter.
- Supports policy 8.8 regarding noise generating uses including public and private recreational uses adjacent to residential areas.
- Supports policy regarding soundwall installation where there are gaps.
- Supports policy HS 9.5.2 regarding enhanced shading for new Nonresidential and multifamily development.
- Suggested encouraging the use of grasscrete pavers in parking lots as a policy in the Health and Safety Element. Staff indicated that the General Plan already encourages the use of permeable materials for paving and parking lots in the Environmental Resources and Sustainability Element.

Moore:

- Truck noise and rock crushing from Quarries:
  - Investigate the vested rights of Lehigh/Heidelberg Materials and Vulcan Materials regarding outdoor rock crushing, specifically checking if a 10-year operational lapse invalidated those rights.
  - Evaluate if Vulcan Materials' early-morning commercial sales and trucking operations can be regulated by the city.
  - Direct the City Attorney to review the legality of these commercial operations, in coordination with the county and subject to majority

Council support.

City Manager Kapoor noted this topic is listed on the TBD list for future discussion.

- Policy HS-10.2.3: Requested a definition for "soundwall" and questioned if it applies to sports court noise. Staff clarified that the soundwall policy in HS-10.2.3 only pertained to private development.
- Requested clarification on the scope of Policy HS-10.8 regarding its application to public and private recreational sports areas. Staff clarified that it applies to both.

ADJOURNMENT

At 6:31 p.m., Mayor Kitty Moore adjourned the Special City Council Meeting.

REGULAR MEETING

CALL TO ORDER

At 6:46 p.m., Mayor Moore called the Regular City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue and via teleconference;

ROLL CALL

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

CLOSED SESSION REPORT - None

CEREMONIAL ITEMS

1. Subject: Recognition of the Parks and Recreation Department (Administration; Community Events, Facilities, Youth and Teen Recreation; Outdoor Recreation; Senior Wellness and Recreation; Sports, Fitness, and Recreation Divisions) in conjunction with July as Parks and Recreation Month.

Recommended Action: Present proclamation recognizing the Parks and Recreation Department (Administration; Community Events, Facilities, Youth and Teen Recreation; Outdoor Recreation; Senior Wellness and Recreation; Sports, Fitness, and Recreation Divisions) in conjunction with July as Parks and Recreation Month.

Director of Parks and Recreation Rachelle Sander received the proclamation.

Mayor Moore presented a proclamation recognizing the Parks and Recreation Department in conjunction with July as Parks and Recreation Month.

2. Subject: Recognition of Monta Vista High School Science Olympiad Team for achieving first place in the National Science Olympiad competition.
Recommended Action: Present Certificates Recognizing Monta Vista High School Science Olympiad Team for achieving first place in the National Science Olympiad competition.

Mayor Moore presented the certificates recognizing Monta Vista High School Science Olympiad Team for achieving first place in the National Science Olympiad competition.

3. Subject: Recognition of the Kennedy Middle School Science Olympiad Team for their performance in the National Science Olympiad competition.
Recommended Action: Present Certificates Recognizing the Kennedy Middle School Science Olympiad Team for their performance in the National Science Olympiad competition.

Mayor Moore presented the certificates recognizing the Kennedy Middle School Science Olympiad Team for their performance in the National Science Olympiad competition.

At 7:03 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 7:08 p.m. with all Councilmembers present.

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:

Richard Adler representing Oak Valley Forum group, discussed Maryknoll residence.

Charleen Lee discussed student safety.

Call-In User 2 (virtually) discussed a code enforcement matter involving their home.

Jennifer Griffin (virtually) discussed Maryknoll residence.

Moore requested an informational memorandum regarding the Maryknoll seminary property to determine its eligibility and the procedural steps for historic landmark designation within the unincorporated county, as well as an update on any future annexation plans.

CONSENT CALENDAR (Items 4-11)

Item No. 4 was removed from the Consent Calendar by Vice Mayor Chao.

Mayor Moore opened the public comment period for Item Nos 5-11 and, seeing no one, closed the public comment period.

MOTION: Wang moved and Fruen seconded to approve Consent Calendar Item Nos. 5-11. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

Mayor Moore stated that, based on an advice letter from the FPPC prohibiting her participation in Item No. 4 due to the project's proximity to her home, she would recuse herself from the discussion, and left the dais. Vice Mayor Chao began chairing the meeting.

MOTION: Wang moved and Fruen seconded to reorder the agenda to hear Item No. 4 prior to Item No. 12. The motion passed with the following vote: Ayes: Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: Moore.

5. Subject: Approval of June 15, 2026 City Council meeting minutes.
Recommended Action: Approve the June 15, 2026 City Council meeting minutes.

6. Subject: Approval of June 16, 2026 City Council meeting minutes.
Recommended Action: Approve the June 16, 2026 City Council meeting minutes.

7. Subject: Receipt of the Monthly Treasurer's Investment Report for May 2026.
Recommended Action: Receive the Monthly Treasurer's Investment Report for May 2026.

8. Subject: Receipt of the Monthly Treasurer's Report for May 2026.
Recommended Action: Receive the Monthly Treasurer's Report for May 2026.

9. Subject: Bi-Annual Strategic Planning Process.
Recommended Action: Approve the Bi-Annual Strategic Planning Process as presented at the February 28, 2026 Special City Council meeting.

10. Subject: Review of Future agenda items requested by City Councilmembers ("TBD List").
Recommended Action: Review the TBD list and accept the staff recommendations for all items.

11. Subject: Approval of a Final Map, Subdivision Improvement Agreement, and Related Easement Actions for the 59-Unit Valencia Development Project (Tract No. 10676; Applicant: SummerHill Stevens Creek LLC; Location: Formerly 20770, 20830 and 20840 Stevens Creek Blvd; APN: 359-08-031)

Recommended Action: Adopt Resolution No. 26-079 (Attachment A):

a. Approving the final map consisting of Tract No. 10676;

b. Accepting the street dedication and public easements, and the abandonment of unnecessary public easements as shown on the map; and

c. Authorizing the City Engineer to execute and record the Subdivision Improvement Agreement.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. Subject: Approval of the Exchange Agreement for 10480 Finch Avenue ("Finch Property") and Allocation of $10.4 Million for Acquisition of the Finch Property ("Exchange Agreement"), and find the action to qualify for a categorical exemption from CEQA review

Recommended Action: 1. Adopt Resolution No. 26-078 (Attachment D) approving the Exchange Agreement between the City of Cupertino and Cupertino Union School District for the Finch Property, authorizing the City Manager to execute the agreement and related documents, and approving allocation of $10.4 million from the Parkland Dedication Fund for acquisition of the property; and

2. Find that the acquisition is categorically exempt from the California Environmental Quality Act ("CEQA").

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

As noted under the Consent Calendar, this item was reordered to be heard prior to Item No. 12 and Mayor Moore recused herself on the item and left the dais.

Councilmembers asked questions and made comments.

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

Lisa Warren
Jennifer Griffin (virtually)

Councilmembers asked questions and made comments.

Vice Mayor Chao closed the public comment period.

MOTION: Chao moved and Wang seconded to approve the staff recommendation, as amended to:
1. Adopt Resolution No. 26-078 (Attachment D) approving the Exchange Agreement between the City of Cupertino and Cupertino Union School District for the Finch Property, authorizing the City Manager to execute the agreement and related documents, and approving allocation of $10.4 million from the Parkland Dedication Fund for acquisition of the property; and
2. Find that the acquisition is categorically exempt from the California Environmental Quality Act ("CEQA"); and
3. <u>With an amendment to direct staff to take actions to rezone the property to parkland.</u>
The motion, as amended, passed with the following vote: Ayes: Chao, Fruen, Mohan and Wang. Noes: None. Abstain: None. Absent: Moore.

Mayor Moore returned to the dais and resumed chairing the meeting.

PUBLIC HEARINGS – None

ACTION CALENDAR

12. <u>Subject</u>: Receive a Report on Ballot Measure Survey Results and Provide Direction on Potential Ballot Measures for the November 3, 2026 General Municipal Election.
<u>Recommended Action</u>: 1. Receive a report on ballot measure survey results;
2. Consider whether to place a ballot measure related to the Utility Users Tax, a ballot measure related to Parkland Rezoning, both ballot measures, or neither ballot measure before the voters; and
3. Designate Councilmember(s) to draft primary argument and rebuttal argument for any ballot measure placed before the voters.

Written communications for this item included staff and consultant presentations, and supplemental report with staff answers to councilmember questions.

Purchasing Manager Gregory Card and Godbe Research President Bryan Godbe gave presentations.

Jonathan Orozco, Director of Finance; Anita Luck, Partner, Aleshire & Wynder; and Charles Heath, TeamCivX were also present.

Councilmembers asked questions and made comments.

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

Rhoda Fry
Jennifer Griffin (virtually)
San Rao (virtually)

Councilmembers asked questions and made comments.

Mayor Moore closed the public comment period.

MOTION: Moore moved and Fruen seconded to receive the report on ballot measure survey results. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Fruen moved and Wang seconded to place a ballot measure related to Parkland Rezoning before the voters. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Chao moved and Wang seconded to designate Mayor Moore and Councilmember Mohan to draft the primary argument and rebuttal argument for the Parkland ballot measure. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

MOTION: Chao moved and Moore seconded to place a ballot measure before the voters related to the Utility Users Tax (UUT) to extend the existing 2.4% rate with existing services, including telecommunication, gas and electricity, without adding streaming and to remain in effect until it's rescinded by the voters. The motion failed with the following vote: Ayes: Moore and Chao. Noes: Fruen, Mohan, and Wang. Abstain: None. Absent: None.

MOTION: Moore moved and Chao seconded to extend the existing 2.4% tax rate to include streaming services and cable.
FRIENDLY AMENDMENT: Moore made a friendly amendment to include the Utility Users Tax (UUT) would remain in effect until rescinded by voters. (Chao accepted the friendly amendment)
(Moore withdrew the motion and it was not voted on).

SUBSTITUTE MOTION: Mohan moved to approve a 3.4% tax rate with adding streaming. (This motion did not receive a second and was not voted on).

MOTION Wang moved and Moore seconded to place a ballot measure before the voters related to the Utility Users Tax (UUT) extending the existing 2.4% rate for 10 years with existing services, including telecommunication, gas and electricity, without adding streaming.

FRIENDLY AMENDMENT: Wang made a friendly amendment to clarify the extension of the Utility Users Tax (UUT) ballot measure for 10 years after the current Utility Users Tax (UUT) expires. (Moore accepted the friendly amendment).

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

MOTION: Moore moved and Wang seconded to designate Mayor Moore and Councilmember Wang to draft the primary argument and rebuttal argument for the Utility Users Tax (UUT) ballot measure. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

At 9:44 p.m., Mayor Moore recessed the meeting. The meeting reconvened at 9:51 p.m. with all Councilmembers present.

13. Subject: Consider approval of response to the 2026 Civil Grand Jury of Santa Clara County Report entitled "Convenience vs. Compliance: Brown Act risks in Cupertino's meeting practices"

Recommended Action: Approve the response to the 2026 Civil Grand Jury of Santa Clara County entitled "Convenience vs. Compliance: Brown Act risks in Cupertino's meeting practices"

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

Interim City Attorney Floy Andrews gave a presentation.

Councilmembers asked questions and made comments.

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

Rhoda Fry
Jennifer Griffin (virtually)

MOTION: Moore moved and Fruen seconded to extend the meeting past 11:00 p.m. to continue hearing Item No. 13. The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

The public comment period continued:

San Rao (virtually)

Councilmembers asked questions and made comments.

Mayor Moore closed the public comment period.

MOTION: Moore moved and Chao seconded the staff recommendation to:
Approve the response to the 2026 Civil Grand Jury of Santa Clara County entitled "Convenience vs. Compliance: Brown Act risks in Cupertino's meeting practices".
FRIENDLY AMENDMENT: Chao made a friendly amendment to not list the City Council Procedures document for written procedures in the Civil Grand Jury response. (Moore did not accept the friendly amendment and it was not included in the motion).

SUBSTITUTE MOTION: Chao made a substitute motion to not specifically mention which document will be updated such as the City Council Procedures Manual in response 1C and 4. (There was no second and was not included in the motion).

MOTION: Moore moved and Chao seconded the staff recommendation to:
Approve the response to the 2026 Civil Grand Jury of Santa Clara County entitled "Convenience vs. Compliance: Brown Act risks in Cupertino's meeting practices". The motion passed with the following vote: Ayes: Moore, Chao, Fruen, Mohan, and Wang. Noes: None. Abstain: None. Absent: None.

CITY MANAGER REPORT

14. 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

15. Subject: Councilmember Reports

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

FUTURE AGENDA ITEMS

As noted under Study Session Item No. 1 and Oral Communications, the following Informational Memoranda were added:

- Regarding Santa Clara County Sheriff's Department emergency response time standards (Moore).
- Regarding the Maryknoll Seminary property to determine its eligibility and the procedural steps for historic landmark designation within the unincorporated county, as well as an update on any future annexation plans (Moore).

16. Subject: Upcoming Draft Agenda Items Report

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

ADJOURNMENT

At 11:07 p.m., Mayor Kitty Moore adjourned the Regular City Council Meeting.

Minutes prepared by:

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Lauren Sapudar, City Clerk