



CITY MANAGER'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3212
CUPERTINO.GOV

CITY COUNCIL STAFF REPORT

Meeting: May 5, 2026

Subject

Introduction of an ordinance to make minor revisions to the Municipal Code amending Chapter 2.04 (Chapter 2.04: City Council–Election and Meetings): Section 2.04.020 Special Meetings; Chapter 3.23 (Public Works Contract and Bidding Procedures): Section 3.23.020 (Definitions) to align with AB 2192; Chapter 5.04 (Business Licenses Generally): Section 5.04.480 (Appeal Procedure); Chapter 5.32 (BINGO): Section 5.32.130 (Total Value of Prizes); Chapter 11.28 (Abandoned, Wrecked, Inoperative Vehicles): Sections 11.28.010 (Definitions) and 11.28.050 (Sale of Merchandise); Chapter 13.04 (Parks): Sections 13.04.130 (Behavior of Persons in Parks) and 13.04.180 (Advertising and Sale Restrictions); and Chapter 16.52 (Prevention of Flood Damage): Sections 16.52.011 (Lands to Which this Chapter Applies) and 16.52.053 (Standards for Manufactured Homes).

Recommended Action

Introduce and conduct the first reading of Ordinance No. 26-___: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING MUNICIPAL CODE SECTIONS 2.04.020, 3.23.020, 5.04.480, 5.32.130, 11.28.010, 11.28.050, 13.04.130, 13.04.180, 16.52.011, AND 16.52.053.

Reasons for Recommendation

The City periodically adopts minor amendments to the Cupertino Municipal Code to reflect changes in law, provide clarification to the community, and provide for improved administration of City business. Attachment A presents the proposed amendments to the Municipal Code. The following changes to the Cupertino Municipal Code are recommended:

1. **2.04.020 – Special Meetings.** *State law update.* Minor revisions to Section 2.04.020 (Special Meetings) to align with Government Code § 54956 and ensure consistency with current notice and waiver requirements.
 - Section 2.04.020: Clarifies requirements for written notice and waiver provisions.
2. **Chapter 3.23 – Public Works Contract and Bidding Procedures.** *State law update.* Minor revisions to Section 3.23.020 (Definitions) to align with AB 2192 and ensure consistency with state law and current contracting practices.

- **Section 3.23.020(4)(A):** Adds “installation” to the list of activities included in the definition of “public works project.”
3. **Chapter 5.04 – Business Licenses Generally.** Minor revisions to Section 5.04.480 (Appeal Procedure) to clarify and standardize the business license appeal process.
- **Section 5.04.480(A):** Specifies appeals must be filed within fourteen calendar days of the Collector’s written decision.
 - **Section 5.04.480(C):** Revises hearing timing language to require hearings within 30 days of filing unless impracticable, in which case they shall be held at the earliest opportunity.
4. **Chapter 5.32 – BINGO.** *State law update.* Minor revisions to Section 5.32.130 (Total Value of Prizes) to align with California Penal Code Section 326.5 and clarify prize limits for bingo games.
- **Section 5.32.130:** Revises the maximum total value of prizes awarded per bingo game to five hundred dollars (\$500) in cash or in kind, or both.
5. **Chapter 11.28 – Abandoned, Wrecked, Inoperative Vehicles.** Minor revisions to Sections 11.28.010 (Definitions) and 11.28.050 (Sale of Merchandise) to add a new definition and remove a location-specific restriction on sales.
- **Section 11.28.010(G):** Adds definition of “stationary mobile equipment.”
 - **Section 11.28.050:** Removes language prohibiting the sale of merchandise, fruits, or vegetables from stationary mobile equipment on private property abutting a public street where traffic flow may be affected.
6. **Chapter 13.04 – Parks.** Minor revisions to Sections 13.04.130 (Behavior of Persons in Parks) and 13.04.180 (Advertising and Sale Restrictions) to improve clarity and consistency of existing regulations.
- **Section 13.04.130(A):** Replaces “waterfowl (geese, ducks, or coots)” with “wildlife” in the prohibition on feeding animals in City parks.
 - **Section 13.04.180(A)(1) and (B):** Replaces “article or thing” with “article, thing, or service” and “and ‘he’ with ‘any person’” to modernize and clarify language in provisions governing sale, display, advertising, and related restrictions in parks and within 500 feet of park boundaries on public streets.
7. **Chapter 16.52 – Prevention of Flood Damage.** *Federal compliance update (FEMA CRS / NFIP).* Minor revisions to Sections 16.52.011 (Lands to Which this Chapter Applies) and 16.52.053 (Standards for Manufactured Homes) to update floodplain regulations and maintain consistency with federal and state requirements.
- **Section 16.52.011:** Updates Flood Insurance Study references to include Santa Clara County and Incorporated Areas and allows future revisions or republications without additional code amendments.

- **Section 16.52.053 (B and B.2):** Removes introductory “either” language and deletes the alternative manufactured home elevation standard allowing chassis supported by reinforced piers or equivalent foundation elements at least 36 inches above grade, leaving a single compliance pathway.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

City Work Program Item/Description

N/A

Council Goal

Public Engagement and Transparency, Quality of Life

California Environmental Quality Act

The adoption of the proposed Ordinance is not a project under the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq., and the State CEQA Guidelines, California Code of Regulations Section 15000 et. seq. (collectively, "CEQA"), because it has no potential for resulting in physical change in the environment. Even if the project were found to be a project under CEQA, it would be subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action, the adoption of proposed Ordinance, would have no or only a de minimis effect on the environment because it makes only minor, primarily non-substantive changes to the Municipal Code that will have no impact on the physical environment.

Prepared by: Kirsten Squarcia, Deputy City Manager

Reviewed by: Michael Woo, Senior Assistant City Attorney

Approved for Submission by: Tina Kapoor, City Manager

Attachments:

A - Draft Ordinance (Redline)

B - Draft Ordinance (Clean)

