

CC - 07-07-2026

1

Study Session: Health
and Safety Element
Update

Presentation

CITY OF CUPERTINO HEALTH AND SAFETY ELEMENT UPDATE

CITY COUNCIL STUDY SESSION

July 7, 2026





Agenda

1. Health and Safety Element Overview
2. Comments and Changes
3. Next Steps
4. Questions and Discussion



OVERVIEW

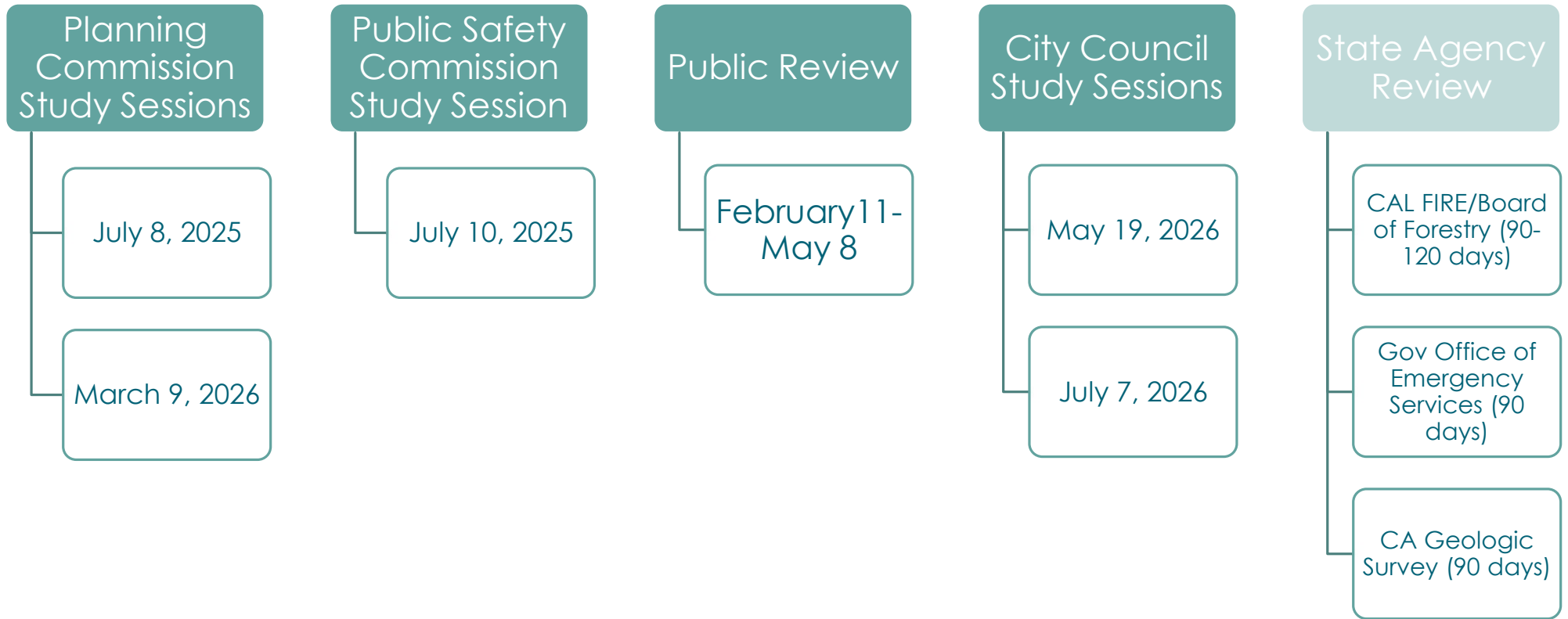
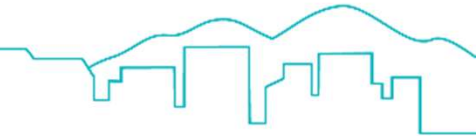
Health and Safety Element Update

- Required Element of General Plan.
- Update required after Housing Element update to ensure compliance with current State law.
- Addresses new statutory requirements and hazards, such as climate change, wildfire, and extreme heat.
- Incorporates Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan Update.

Topics Addressed



Health and Safety Element Update



Safety Element & Building Code



Building Code

Very detailed, specific requirements for development activities

Includes the Fire Code and new Wildland-Urban Interface Code

General Plan

High-level policy direction to guide review of development and resource use

Can address gaps in the Building Code or establish more stringent requirements

The Health and Safety Element is consistent with the Municipal Code, other elements of the General Plan, and other applicable County, regional, and State requirements.



COMMENTS AND CHANGES

Summary of Comments



- We have compiled Council Member and public comments into a table with our recommended response (staff report, Attachment A).
 - Includes new policies and strategies, revised policies and strategies, and minor edits to the background information.
- Key themes of comments:
 - Emergency preparedness and outreach.
 - Evacuation analyses and planning.
 - Emergency access.
 - Wildfire development standards.
 - Groundwater contamination and hazardous materials.
 - Extreme heat mitigation.
 - Noise reduction.
 - Alignment with Climate Action Plan.

Revised and New Policies and Strategies



Emergency Preparedness

- Block Leader Awareness (New)
- Block Leader Communication (New)
- City Facilities Retrofit (Revised)
- Critical Needs for Vulnerable Populations During Emergencies (New)
- Cumulative Hazard Mapping (New)
- Education and Engagement Materials (Revised)
- Evacuation Mapping Availability (New)
- Evacuation Mapping and Planning Coordination (Revised)
- Evacuation Route Assessment Required (New)
- Evacuation Route Capacity Study (New)
- Infrastructure Prioritization (New)
- Ingress and Egress Standards for New and Existing Development (New)
- Mitigate Evacuation Constraints (New)

Revised and New Policies and Strategies



Regional Coordination

- PFAS Contamination (New)
- PFAS and Environmental Review (New)

Hazardous Materials

- Environmental Site Assessments (Revised)
- Hazardous Materials Storage (New)

Public Safety

- Law Enforcement Response Times (Revised)
- General Response Times (Removed)

Revised and New Policies and Strategies



Fire Safety

- New Development in High Fire Hazard Severity Zones (Revised)
- Review in High and Very High Fire Hazard Zones (Removed)
- Wildfire Assistance Program (New)
- Defensible Space (New)
- Private Road Repairs and Maintenance (Revised)
- Land Use and Zoning Changes in Very High Fire Risk Areas (Removed)

Revised and New Policies and Strategies



Climate Change Resilience

- Dual-Plumbing Water Systems (New)
- Water Conservation Outreach and Education (New)
- Heat Action Plan (Revised)
- Extreme Heat Vulnerable Neighborhoods (New)
- Extreme Heat Protections for Outdoor Workers (New)
- Extreme Heat Mitigation (New)
- Enhanced Shading for New and Existing Nonresidential and Multifamily Development (Revised)
- Enhanced Shading of Parking Lots (Revised)
- Artificial Turf (New)
- Decarbonization (New)
- Resilient Urban Forests (New)
- Urban Forest Management (New)
- Tree Replacement (New)

Revised and New Policies and Strategies



Noise

- Noise Control Techniques (New)
- Freeway Design and Neighborhood Noise (Revised)
- Freeway Soundwalls Sponsorship (New)
- Noise Impact Analysis (New)
- Street Signage (Revised)
- Noise Generating Garden Equipment (New)



NEXT STEPS

Next Steps

CAL FIRE /Board of Forestry Review

Conduct mandatory 120-day review **prior** to City Council public hearing / adoption.

Other State Agency reviews

- Governor's Office of Emergency Services
- California Geologic Survey

Environmental Review

Conduct environmental review.

Public Hearings

Planning Commission and City Council public hearings anticipated in **Fall 2026**.

Recommended action



- Receive the presentation, provide input on the Public Draft of the Health and Safety Element, and direct staff to begin consultation and review with State agencies.



QUESTIONS?

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#12

Ballot Measure Survey
Results

Presentation

Ballot Measure Survey Results

July 7, 2026



**CITY OF
CUPERTINO**

Background

- The 2026-27 Budget 10-year forecast projects long-term structural budget challenges
- Increased costs for public safety, reduced sales tax revenue and the expiration of the Utility Users Tax in 2030 impact the forecast
- To address budget challenges, Council is considering an expansion or extension of the Utility Users Tax
- Council is also considering efforts to further protect parkland use

Actions to Date

- March 17 - Council authorized staff to identify contractors to support potential ballot measures to:
 - expand or extend the Utility Users Tax (UUT)
 - Increase protections for parkland use
- April 7 – Council approved budget for contracting efforts for ballot measure evaluation and fees for the Santa Clara Registrar of Voters
- June 3 –17 – Godbe Research conducted a public opinion survey of Cupertino likely voters

Survey Results

- Godbe Research will review the Survey Results

Recommended Action

- 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.
- Designate Councilmember(s) to draft primary argument and rebuttal argument for any ballot measure placed before the voters.

Next Steps

- If Council decides to pursue a ballot measure, staff will:
 - Engage TeamCivX and begin outreach communication to residents
 - Prepare required resolutions with ballot language and supporting information
 - Present ballot measure information and primary and rebuttal arguments for Council approval on July 21 to meet the County Registrar of Voter Deadlines
- If Council decides not to pursue a ballot measure, staff requests further direction on additional actions

Available for Questions





CUPERTINO



GODBE RESEARCH
Gain Insight



City of Cupertino: 2026 UUT Renewal and Parkland Rezoning Measure Survey

July 7, 2026

The City of Cupertino commissioned Godbe Research to conduct a survey of likely November 2026 voters. The key take-aways are:

- A General Plan Amendment ballot measure to require future rezoning of parks or open space be placed on a future ballot was favored by 69.5% of voters.
- A ballot measure renewing the utility users tax (UUT) at the existing rate, without increasing the tax rate, adding video services and extending the term to “until ended by voters” was favored by 66.4% voters.
 - Neither a UUT increase of 1 percent or an increase of 0.6 percent were viable at this time.

- Data Collection Landline (17), cell (125), text to online (272), and email to online interviewing (20)
- Universe 24,643 Likely November 2026 Voters
- Fielding Dates June 3 to 17, 2026
- Interview Length 25 minutes
- Sample Size n=434
- Margin of Error November 2026 Voters \pm 4.66%

Note: The data have been stratified and weighted to reflect the actual population characteristics of likely November 2026 voters in the City of Cupertino in terms of their gender, age, ethnic surname, presence of children in the household, political party type, household party type, homeownership, and geography. While another survey appears to have been conducted by an unknown sponsor at the same time and likely had an impact on the response rate, response rate itself is not part of the calculation of the survey margin of error (population size, sample size, response distribution and alpha coefficient are the components of the algorithm). This second survey may have complicated the survey environment, this is not of concern to the data accuracy given that n=434 interviews were completed (typical for a City of Cupertino's voter population would be between 300 to 400 completed interviews) and in an actual election there will be much more "noise" in the background including but not limited to, National Congressional mid-term debate, gubernatorial campaigns, statewide ballot measures, as well as local races. Further, the survey methodology stratification and weighting noted above ensure that the final sample is representative of the likely November 2026 voters in the City of Cupertino within the stated margin of error.

Methodology Overview II

- The data have been stratified and weighted to reflect the actual population characteristics of likely November 2026 voters in the City of Cupertino in terms of their gender, age, ethnic surname, presence of children in the household, education, homeownership, political party type, household party type, among other factors.

		Likely Nov 2026 Voter		
		Column N %	Count	Σ or Mean
Gender	Male	49.0%	213	
	Female	51.0%	221	
	Unknown	0.0%	0	
Age	18-29	11.6%	50	
	30-39	10.3%	45	
	40-49	12.3%	54	
	50-64	32.8%	142	
	65+	32.9%	143	
	Not coded	0.1%	0	
Broad Ethnic Groupings	East and South Asian	56.4%	245	
	European	24.8%	108	
	Hispanic and Portuguese	3.6%	16	
	Likely African-American	0.0%	0	
	Other	5.3%	23	
	Unknown	9.9%	43	

Methodology Overview III

		Likely Nov 2026 Voter		
		Column N %	Count	Σ or Mean
Marital Status	Inferred Married	18.1%	78	
	Inferred Single	1.2%	5	
	Married	37.4%	162	
	Single	16.2%	70	
	Unknown	27.2%	118	
Presence of Children	Yes	36.2%	157	
	No	52.1%	226	
	Unknown	11.7%	51	
Education	Did not complete high school likely	0.0%	0	
	Completed high school likely	4.5%	20	
	Attended but did not complete college likely	0.4%	2	
	Completed college likely	36.2%	157	
	Attended vocational/technical school likely	0.0%	0	
	Completed graduate school likely	28.7%	125	
	Unknown	30.2%	131	
Veteran	Yes	1.7%	7	
	No	98.3%	427	
Homeownership Status	Homeowner	65.2%	283	
	Probable Home Owner	0.0%	0	
	Renter	20.8%	90	
	Unknown	14.0%	61	

Methodology Overview IV

		Likely Nov 2026 Voter		
		Column N %	Count	Σ or Mean
Individual Party	American Independent	1.3%	6	
	Democratic	47.3%	205	
	Green	0.4%	2	
	Libertarian	0.4%	2	
	Natural Law	0.0%	0	
	Non-Partisan	34.9%	152	
	Other	0.0%	0	
	Peace and Freedom	0.6%	2	
	Reform	0.0%	0	
	Republican	15.0%	65	
	Unknown	0.0%	0	
	No data	0.1%	0	
	Household Party Type	Dem	29.9%	130
Dem&Ind		26.5%	115	
Dem&Rep		5.5%	24	
Dem&Rep&Ind		4.0%	17	
Ind		20.4%	89	
Rep		7.5%	33	
Rep&Ind		6.1%	27	
No data		0.0%	0	

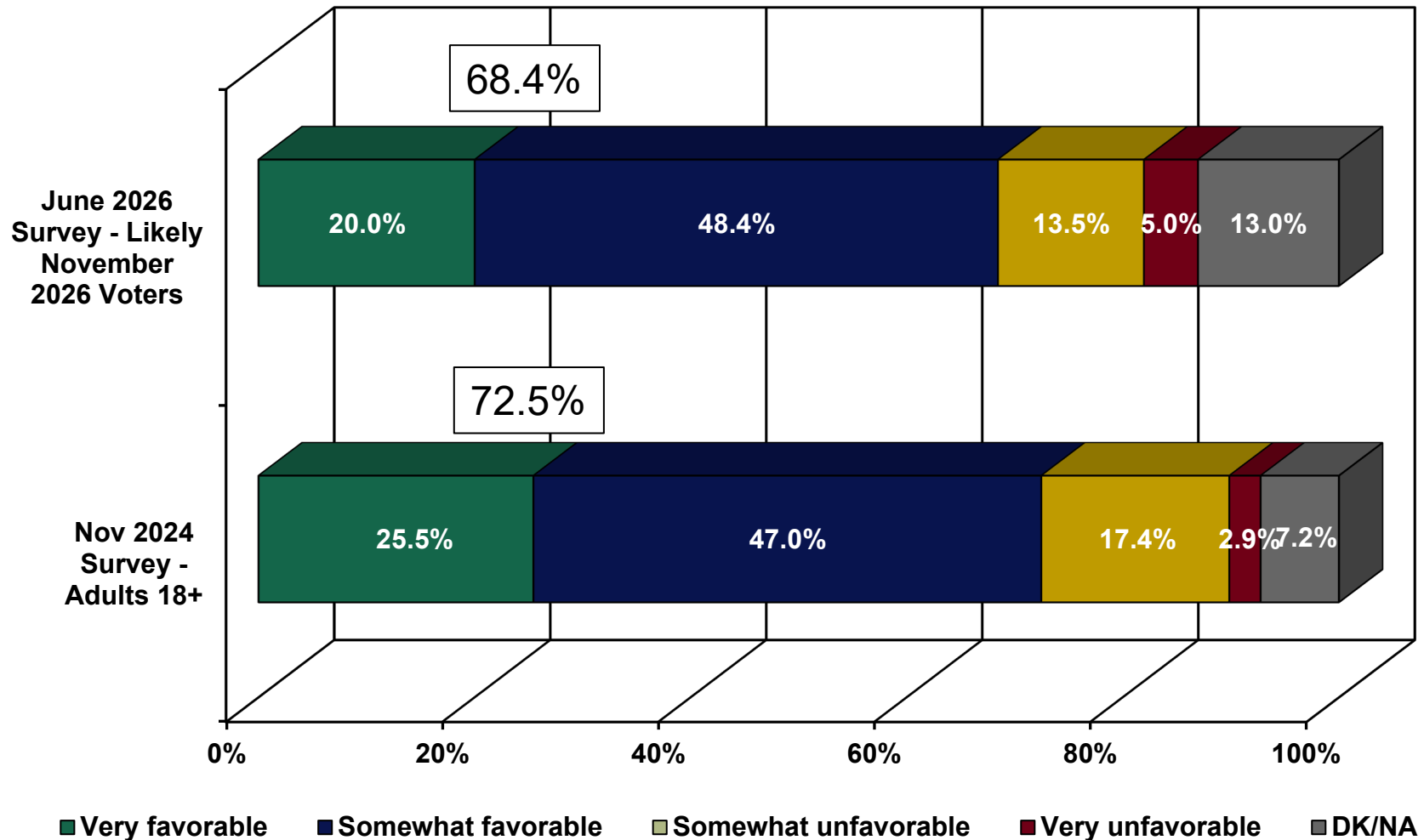


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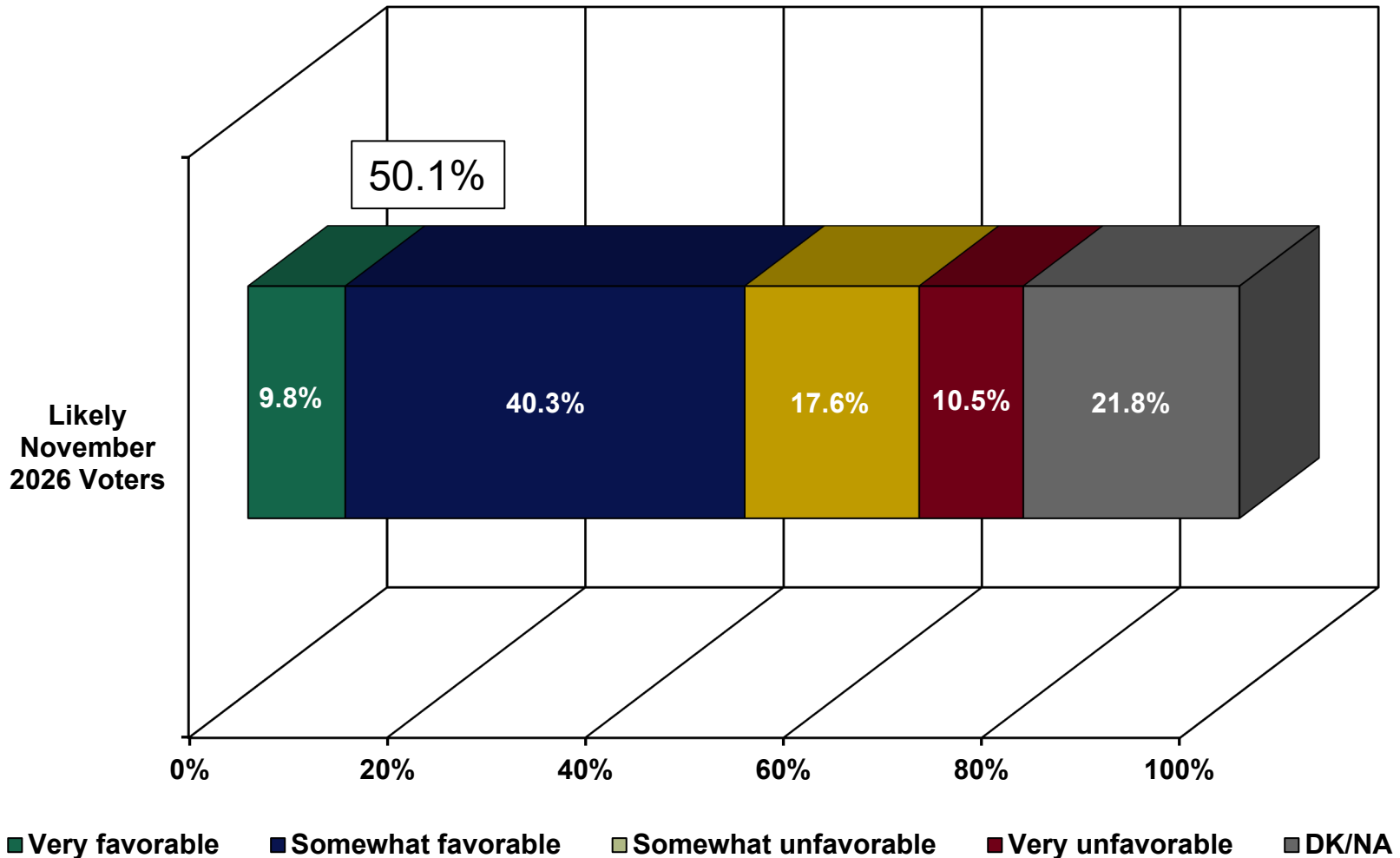


Key Findings

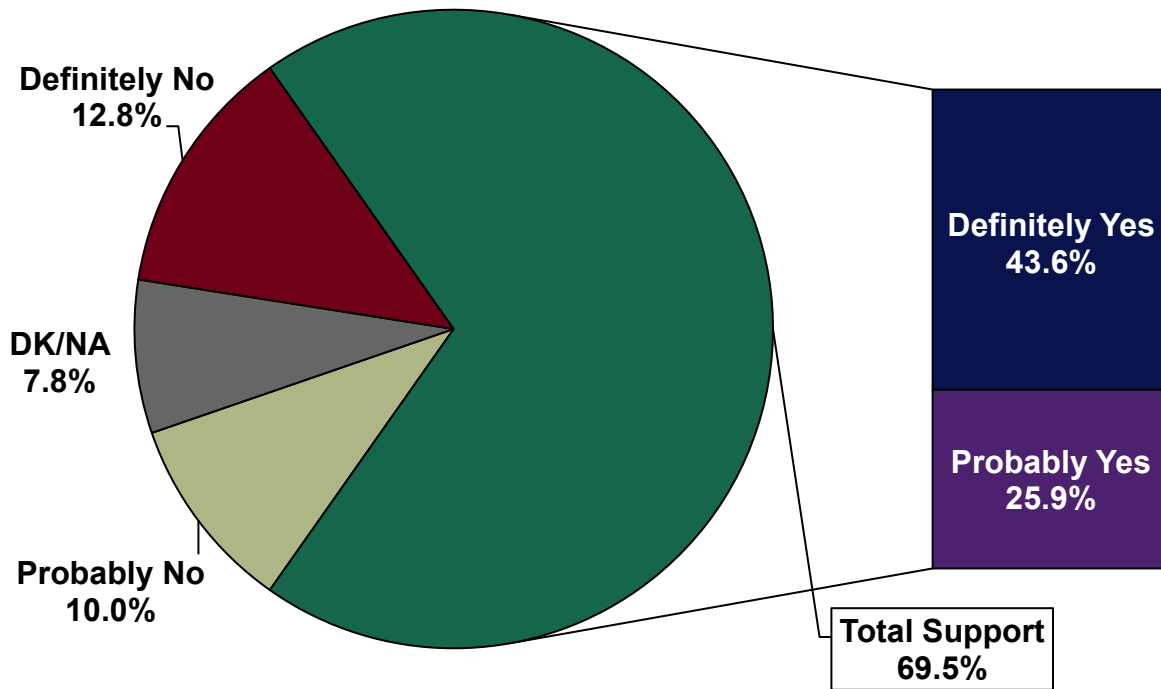
Favorability Rating of the Job the City of Cupertino is Doing to Provide City Services



Favorability Rating of the Job the City of Cupertino is Doing to Effectively Manage and Spend Taxpayer Dollars and Public Funds

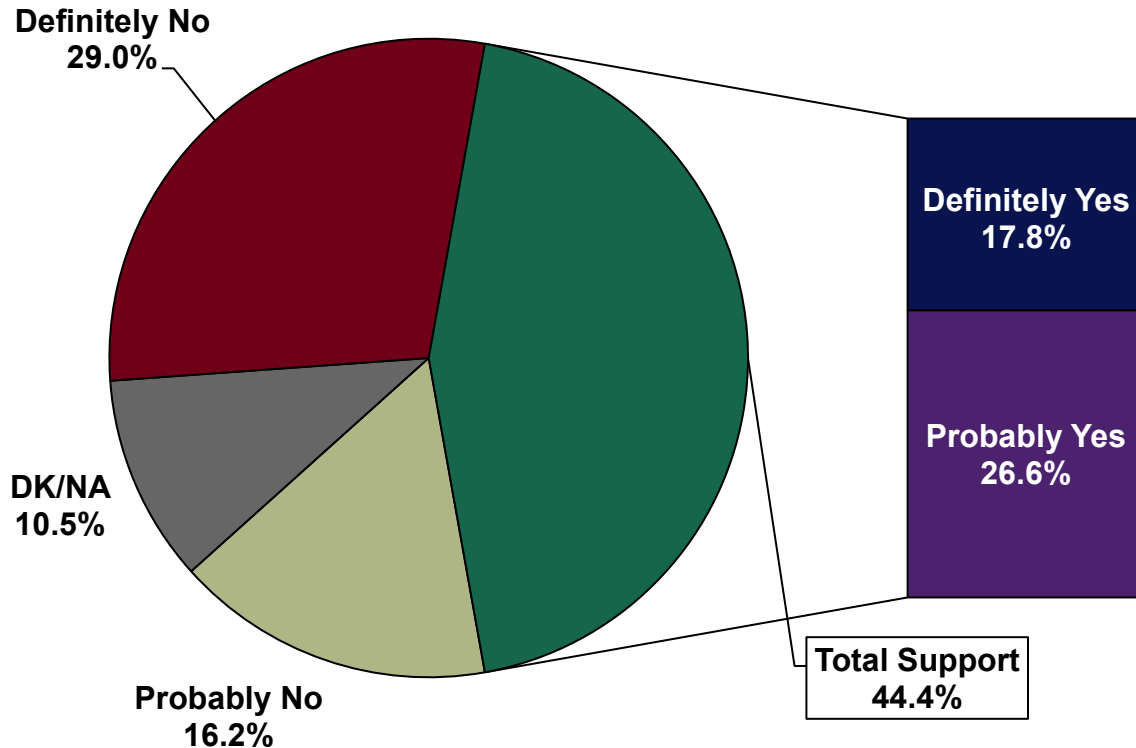


Initial Support for Amending the City of Cupertino General Plan for Parkland Rezoning



Shall an ordinance amending the City of Cupertino General Plan be adopted to mandate that any attempt to rezone parks, parklands or open space to residential, commercial or industrial, or any proposal for residential, commercial or industrial development in parks, parkland or open space, must be placed before Cupertino voters and secure two-thirds support in the City's next general election be adopted?

Initial Support for Measure to Increase UUT to Maintain Essential City Services

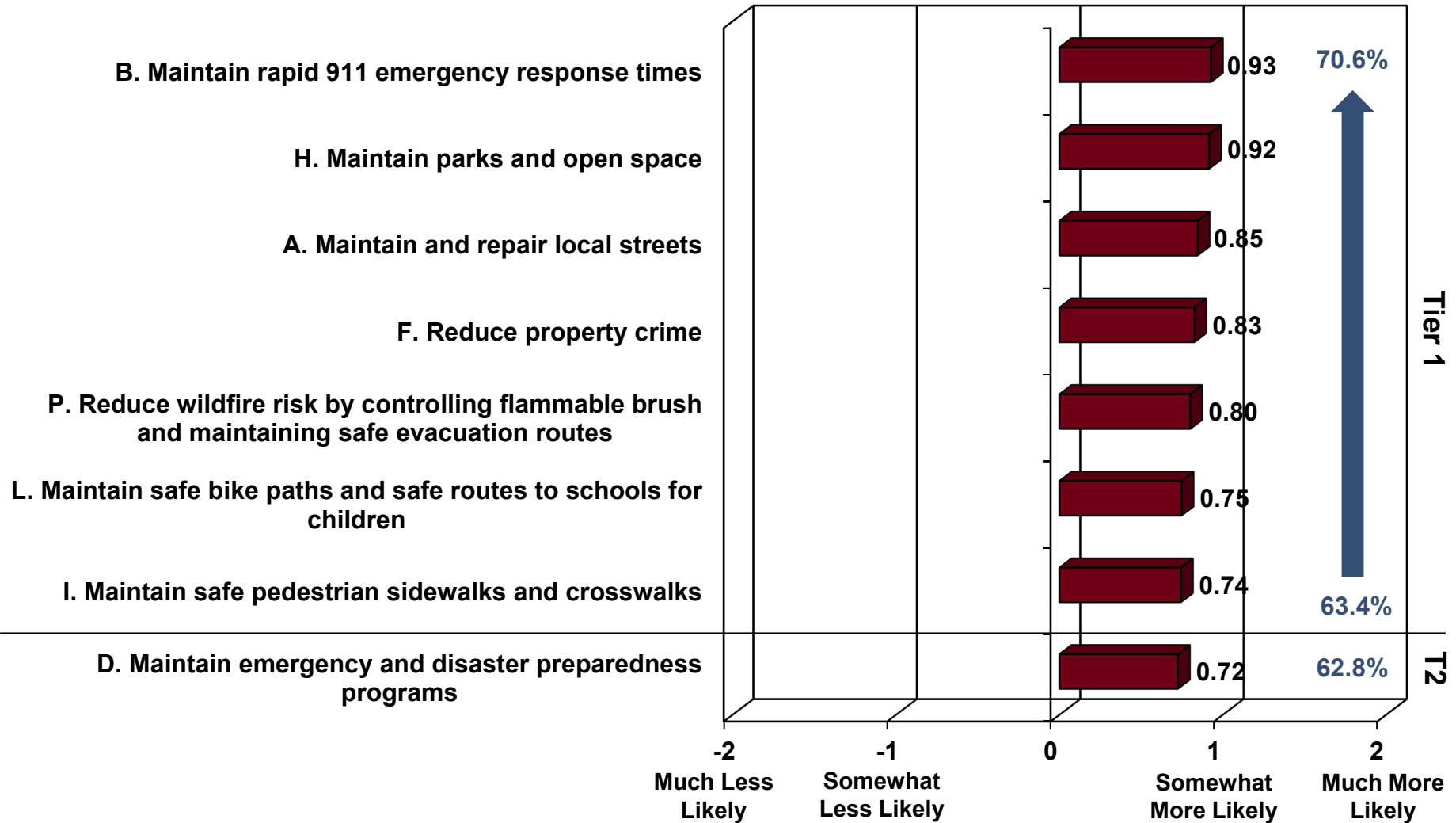


Shall the measure to maintain essential city services such as:

- public safety,
- streets,
- parks and open spaces,
- community programs, and
- other general city services,

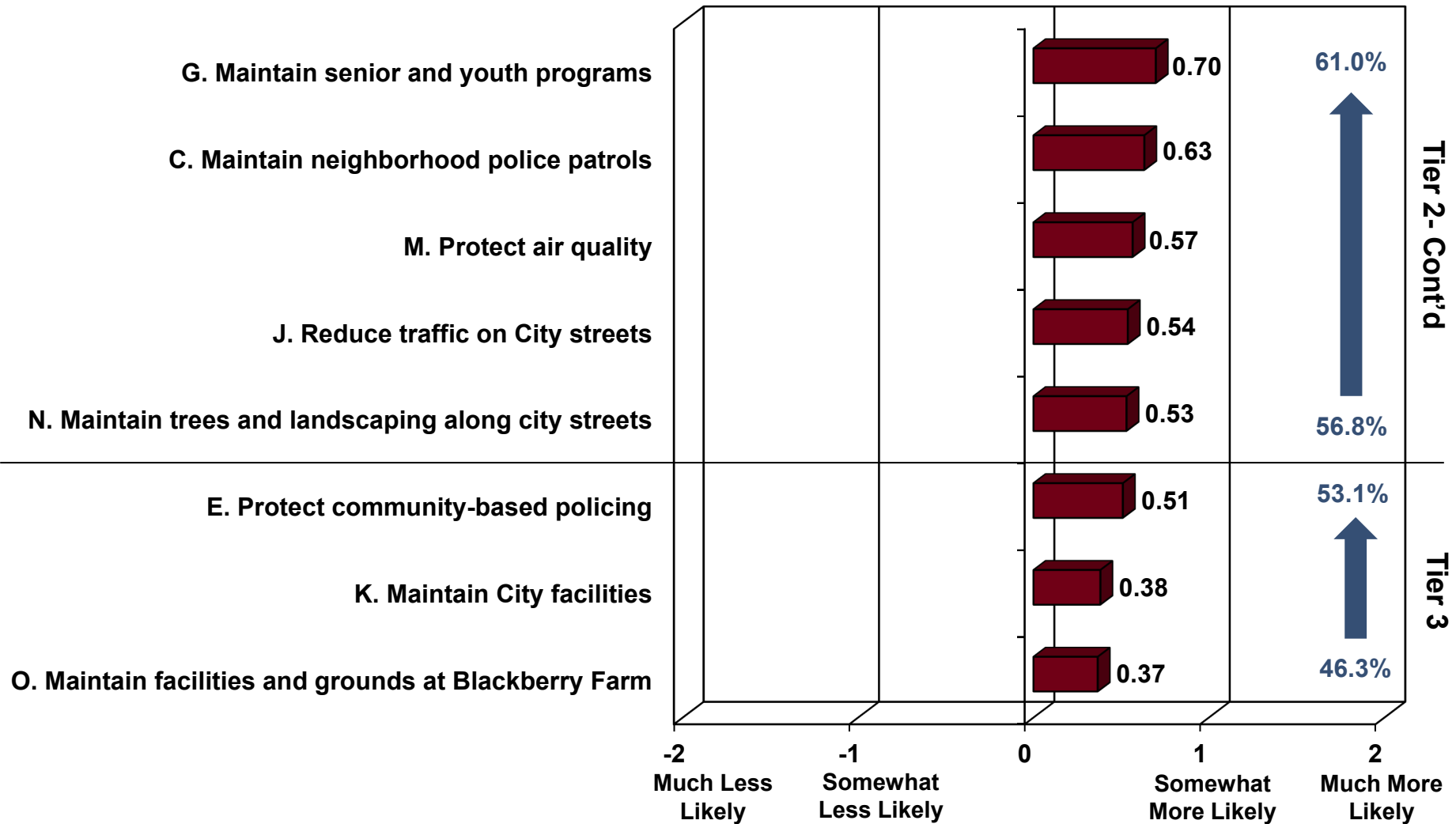
by replacing Cupertino's expiring 2.4% tax with a 3.4% tax on electricity, gas, and telecommunications, and adding video services, until ended by voters, providing \$6,900,000 annually, maintaining senior citizens' exemptions, requiring annual audits and public spending disclosure, be adopted?

Features of the UUT Measure I



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, "No Effect" = 0, "Somewhat Less Likely" = -1, and "Much Less Likely" = -2.

Features of the UUT Measure II



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, "No Effect" = 0, "Somewhat Less Likely" = -1, and "Much Less Likely" = -2.

Informational Statements I

F. Large businesses will pay their fair share, so homeowners don't shoulder the entire cost of maintaining Cupertino city services

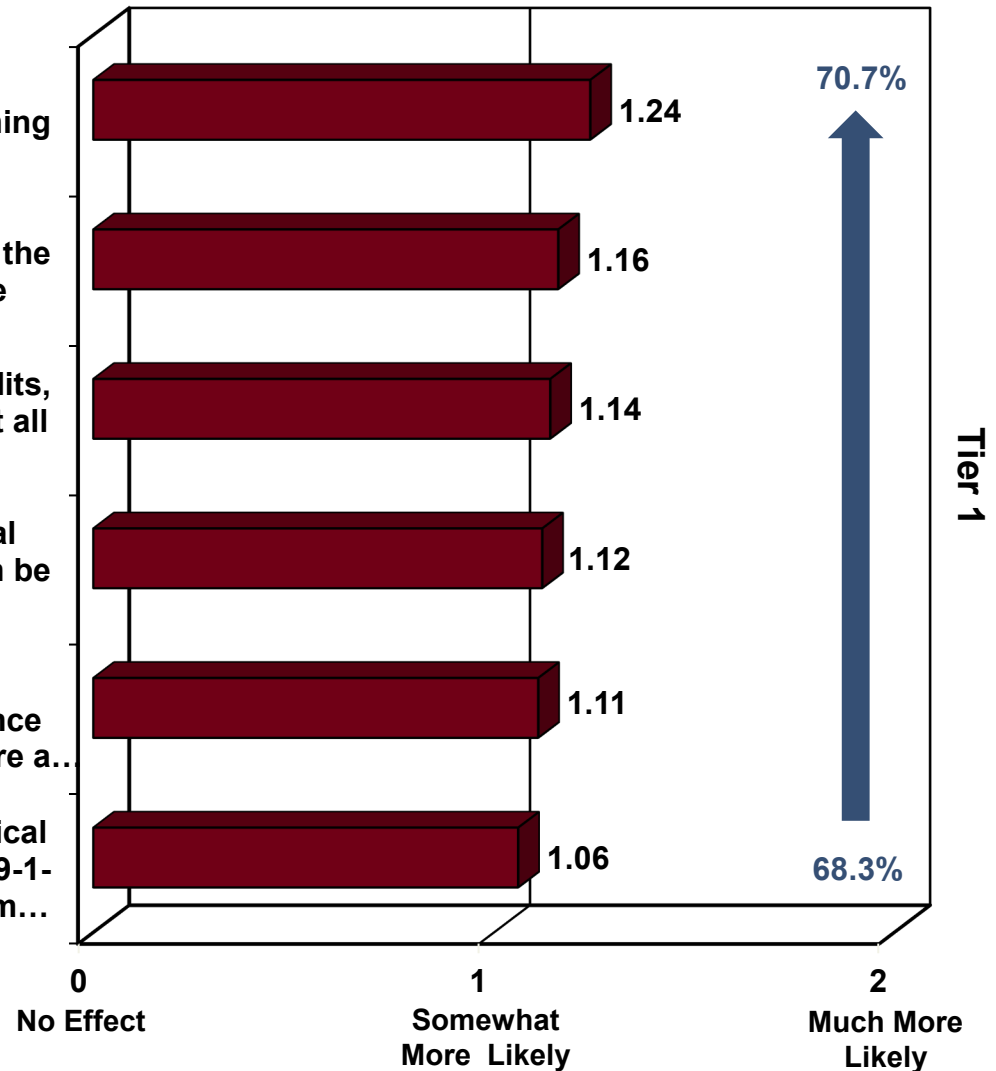
C. This measure requires public disclosure of the spending of every penny from this measure

D. The measure requires independent financial audits, and yearly reports to the community to ensure that all funds are spent as promised

H. The measure will continue to give Cupertino local control over local funds for local needs. No funds can be taken by the state or federal governments

N. In the event of a heart attack, stroke, medical emergency or accident, seconds can be the difference between life and death. This measure will help ensure a...

P. You never know when an accident, disaster or medical emergency will occur. This measure will ensure rapid 9-1-1 emergency services are ready when you need them...



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, and "No Effect" = 0.

Informational Statements II

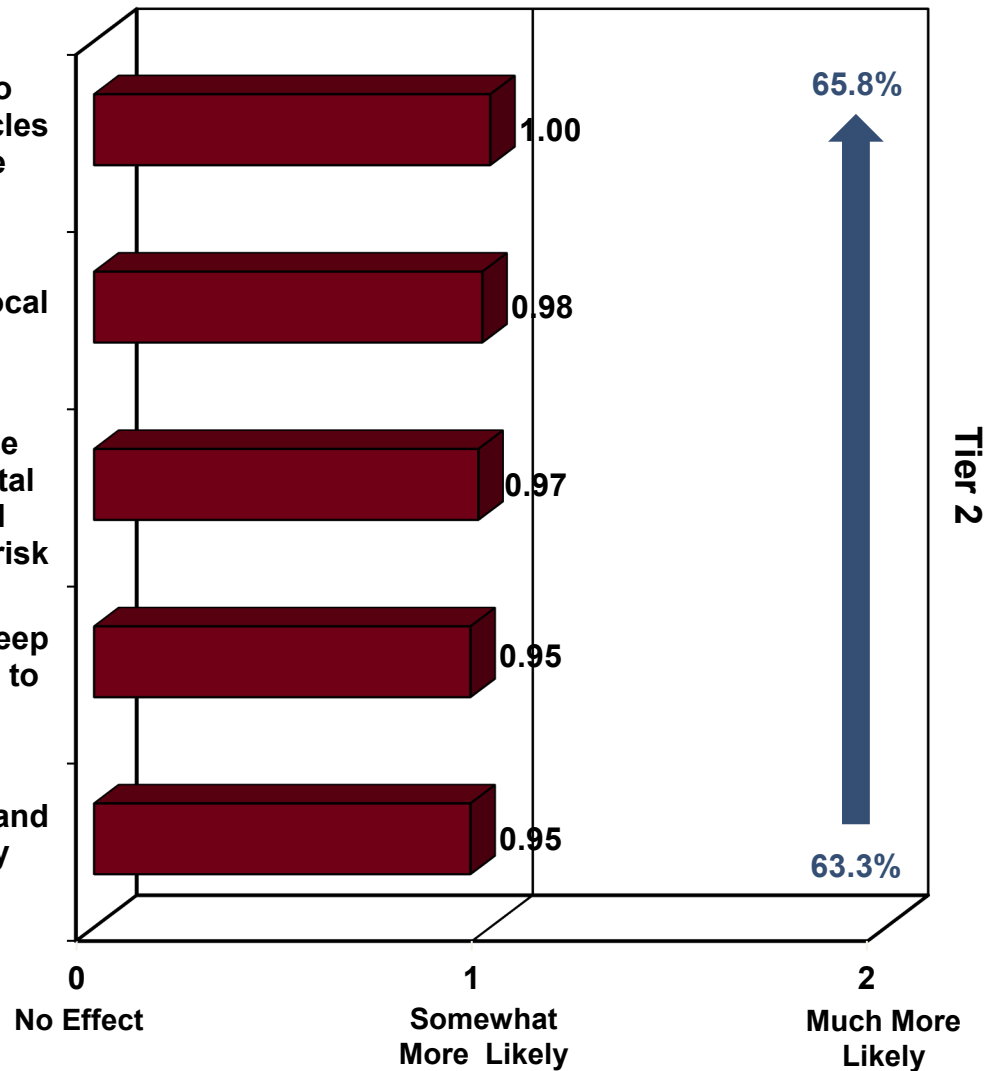
I. Without the measure Cupertino streets will begin to deteriorate creating potholes, causing damage to vehicles and reconstructing deteriorating streets will become more expensive

G. The measure will ensure funding to maintain local parks and open space

S. If the measure fails, the cost of maintaining police services through the Sheriff's Office will put other vital city services such as street maintenance, park and recreation services or youth and senior programs at risk

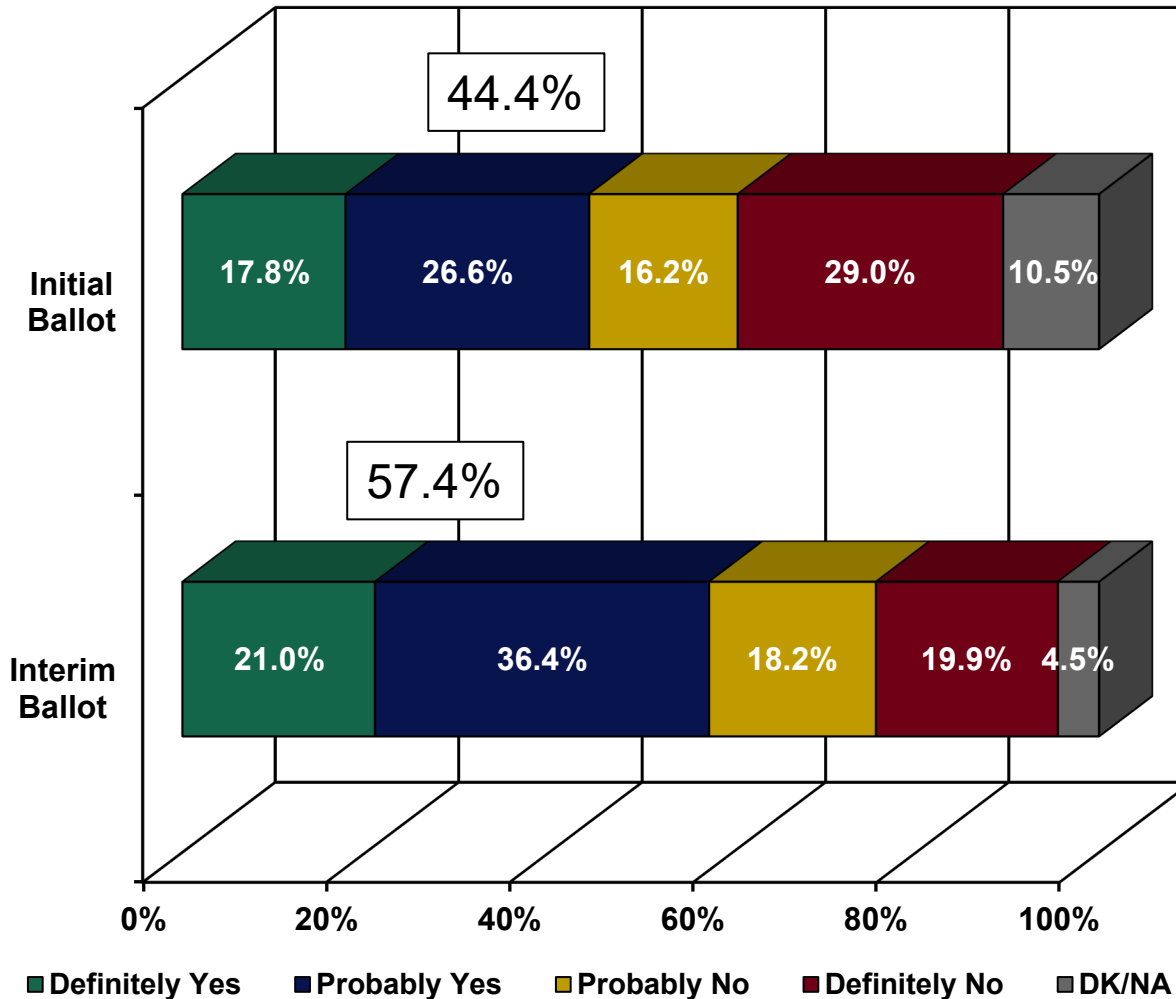
A. This measure will maintain traffic enforcement to keep drivers, pedestrians, bicyclists and children traveling to school safe

U. Without the measure the existing tax will expire and the City will be forced to make cuts to critical city services



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, and "No Effect" = 0.

Interim Support for UUT Measure to Maintain Essential City Services



Shall the measure to maintain essential city services such as:

- public safety,
 - streets,
 - parks and open spaces,
 - community programs, and
 - other general city services,
- by replacing Cupertino's expiring 2.4% tax with a 3.4% tax on electricity, gas, and telecommunications, and adding video services, until ended by voters, providing \$6,900,000 annually, maintaining senior citizens' exemptions, requiring annual audits and public spending disclosure, be adopted?

Critical Statements

F. The City imposed a utility tax in 2009 and we were promised it would sunset. This year there will be a regional transportation tax proposal on the ballot. Now Cupertino wants another tax on top of that.

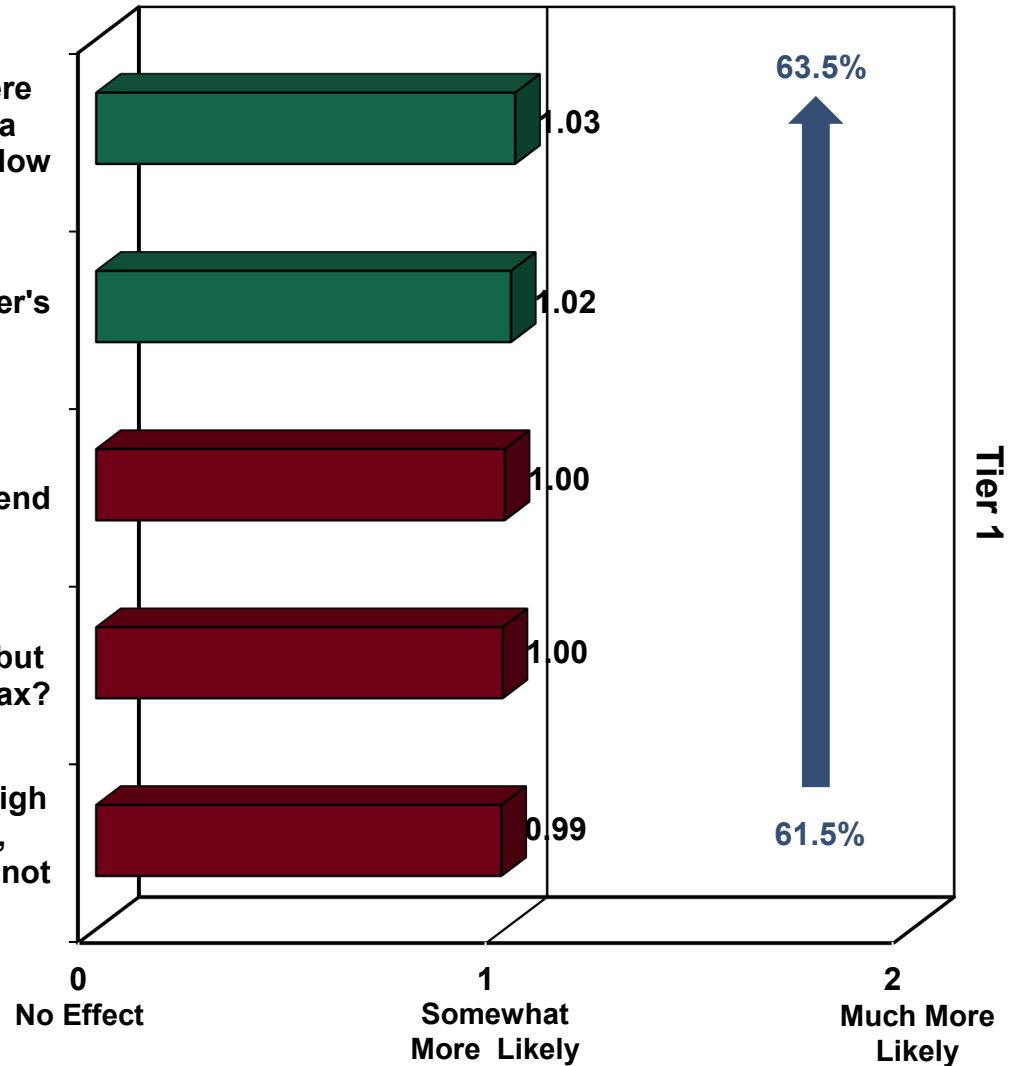
G. The measure could increase the average homeowner's utility bills

C. The measure is a forever tax that will never end

B. The measure was passed to fund Blackberry Farm, but it has been paid for. Why are they still continuing this tax?

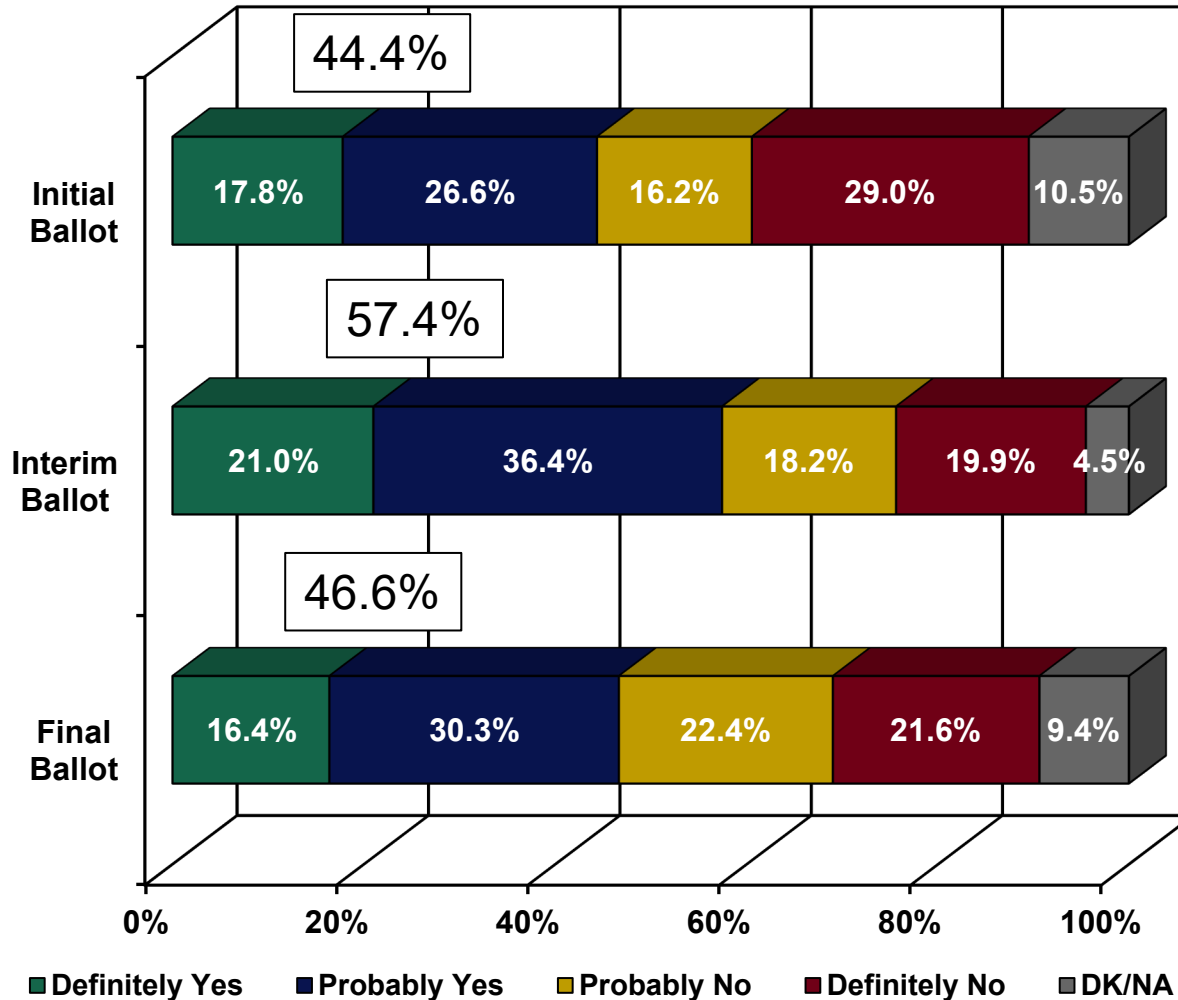
A. With residents and businesses struggling with the high gas prices, increasing cost of living, inflation, tariffs, increasing grocery prices, and high mortgages, now is not the time for another tax increase

- Entire Sample
- Sample A
- Sample B



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, and "No Effect" = 0.

Final Support for UUT Measure to Maintain Essential City Services

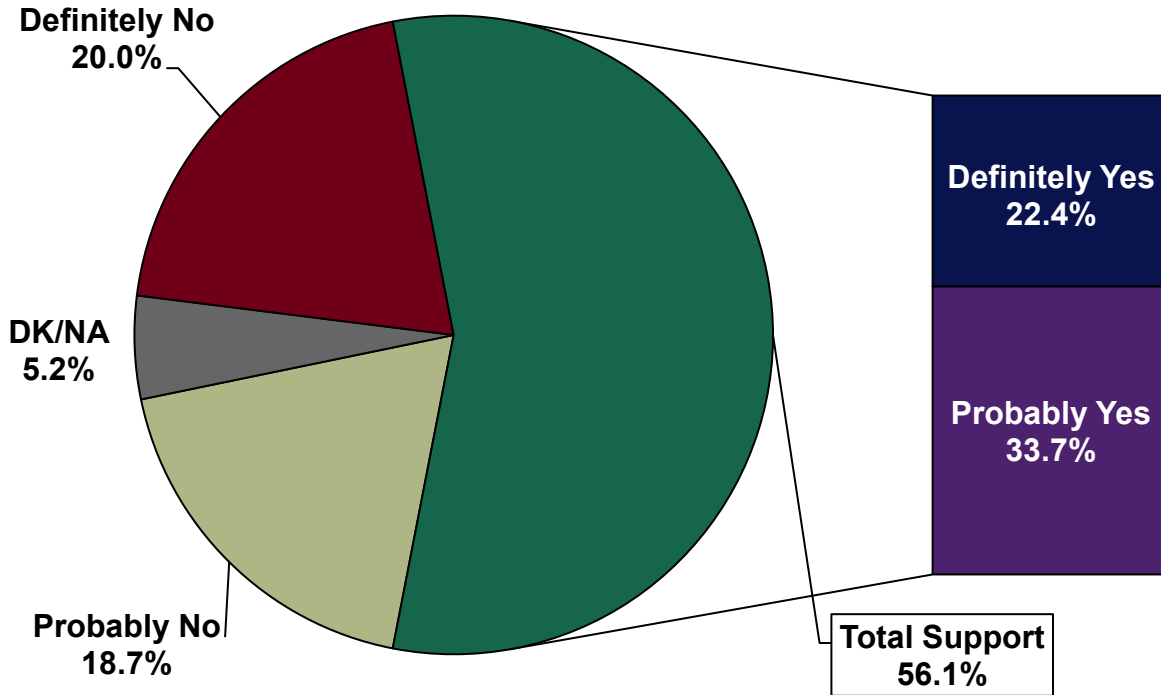


Shall the measure to maintain essential city services such as:

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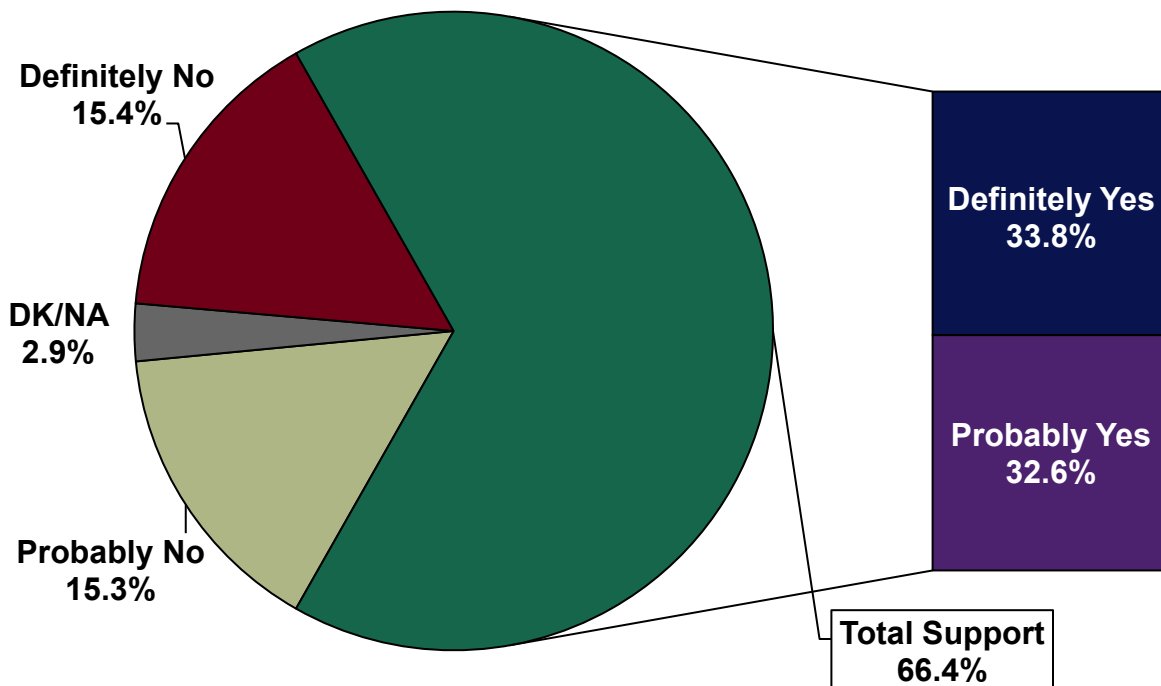
by replacing Cupertino's expiring 2.4% tax with a 3.4% tax on electricity, gas, and telecommunications, and adding video services, until ended by voters, providing \$6,900,000 annually, maintaining senior citizens' exemptions, requiring annual audits and public spending disclosure, be adopted?

Alternative UUT Measure: Increase the Rate by 0.6 Percent



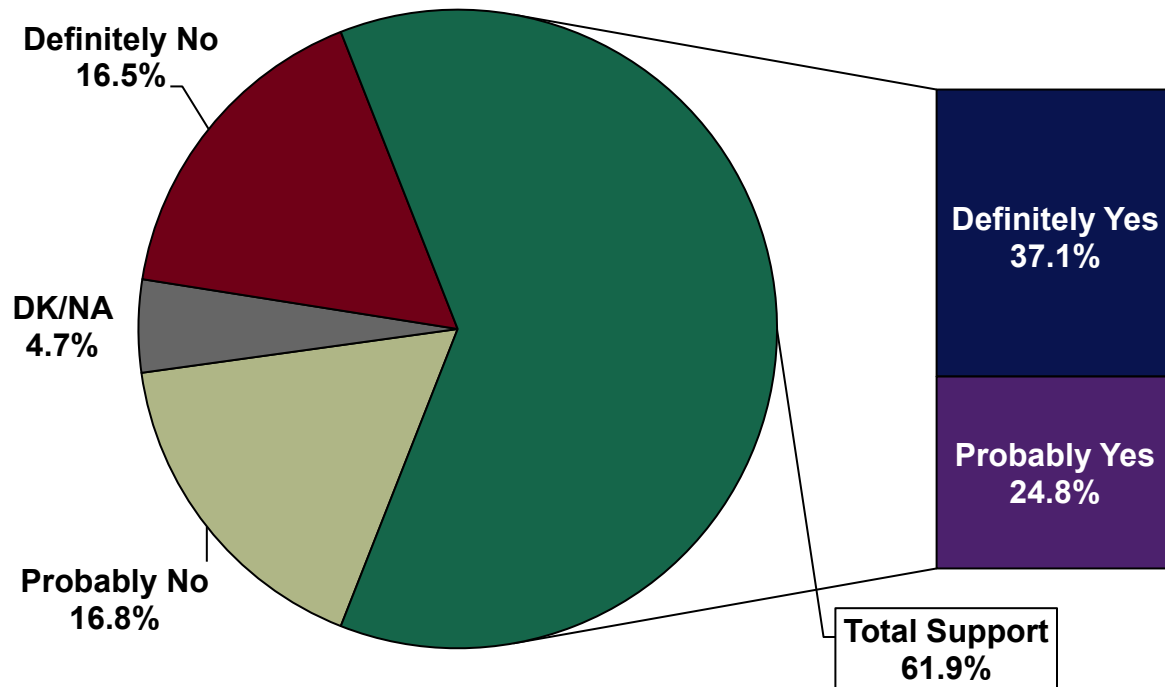
Instead of increasing the Cupertino utility tax by one percent, to maintain essential city services such as: public safety, streets, parks and open spaces, community programs, and other general city services, another alternative would be to increase the rate by 0.6 percent until ended by voters.

Alternative UUT Measure: Renew the Tax at the Current Rate (2.4%)



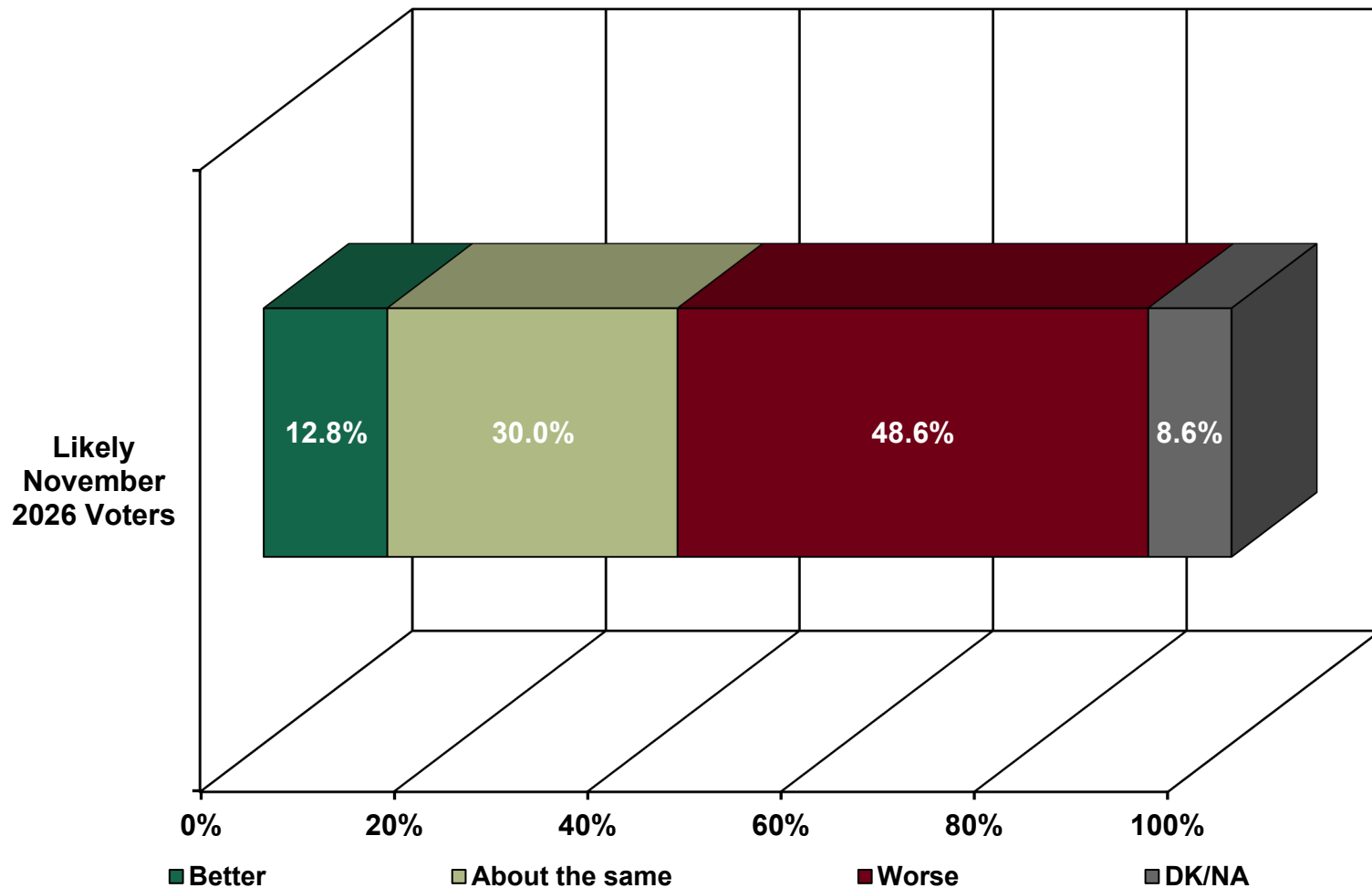
Another alternative would be to renew the tax at the current rate without any tax increase until ended by voters in order to maintain essential city services such as: public safety, streets, parks and open spaces, community programs, and other general city services.

Alternative UUT Measure: Renew the Tax at the Current Rate (2.4%) for 16 Years



Another alternative would be to renew the tax at the current rate without any tax increase for 16 years in order to maintain essential city services such as: public safety, streets, parks and open spaces, community programs, and other general city services.

Opinion on Future Economy



The City of Cupertino commissioned Godbe Research to conduct a survey of likely November 2026 voters. The key take-aways are:

- A General Plan Amendment ballot measure to require future rezoning of parks or open space be placed on a future ballot was favored by 69.5% of voters.
- A ballot measure renewing the utility users tax at the existing rate, without increasing the tax rate, adding video services and extending the term to “until ended by voters” was favored by 66.4% voters.
 - Neither a UUT increase of 1 percent or an increase of 0.6 percent were viable at this time.



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CC - 07-07-2026

#13

2026 Civil Grand Jury
Report Convenience vs.
Compliance

Presentation

Response of City of Cupertino to Civil Grand Jury Report

2025-2026 Santa Clara County Civil Grand Jury



**CITY OF
CUPERTINO**

Floy Andrews, Interim City Attorney

July 7, 2026

Background

- Report entitled “Convenience vs. Compliance: Brown Act risks in Cupertino’s meeting practices”
- Released May 4, 2026
- City’s response due within 90 days of the report’s release
- With Council’s recess in August, City should respond in July

Response Required to Findings and Recommendations

- Penal Code sections 933(b) and 933.05 require the City to respond to only the Civil Grand Jury's Findings and Recommendations
- Four Findings pertaining to the City's teleconferencing practices
- Six Recommendations regarding the same

Suggested Overall Response

- The City has already implemented certain corrective measures.
- The City disagrees with several factual characterizations in the report.
- The City nevertheless intends to strengthen its written procedures to promote continued compliance with the Brown Act.

Suggested Responses to Finding 1

- **Finding 1:** City's practice of ending a meeting when a teleconference location disconnects creates problems.
Suggested Response: City updated this process in January 2026 to address these issues.
- **Recommendation 1a:** City should not end a meeting when a teleconference location disconnects.
Suggested Response: City implemented this change before the Civil Grand Jury issued its report.

Suggested Responses

- **Recommendation 1b:** Teleconferencing is optional so City should consider whether it is consistent with its responsibilities to constituents.
Suggested Response: City's objective has been to facilitate public and council participation. City will consider the recommendation.
- **Recommendation 1c:** City should ensure that access from a teleconference location is maintained for the meeting's duration.
Suggested Response: City cannot guarantee that disruptions will not occur but will update its Council Procedures Manual to address this recommendation

Suggested Responses to Finding 2

- **Finding 2:** City's current process does not promote accountability with the Brown Act.
Suggested Response: City is not aware of any judicial determination that would indicate that its practices violate the Brown Act.
- **Recommendation 2:** City should adopt formal teleconferencing procedures to ensure compliance with the Brown Act.
Suggested Response: City will adopt formal written teleconferencing procedures.

Suggested Responses to Finding 3

- **Finding 3:** City's practice of permitting teleconference locations that are not accessible is inconsistent with the purpose of the Brown Act.
Suggested Response: The City does not believe this reflects the City's practice.
- **Recommendation 3:** City should provide written guidance regarding appropriate teleconferencing locations.
Suggested Response: City will adopt more formal procedures.

Suggested Responses to Finding 4

- **Finding 4:** City's practice of terminating a council meeting when a councilmember disconnects prioritizes councilmember convenience over public participation.
- **Suggested Response:** The practice is designed to protect public participation.

- **Recommendation 4:** City should amend the Council Procedures Manual to provide written guidance regarding quorum requirements and that teleconferencing is discretionary.
- **Suggested Response:** The City disagrees with the characterization but will adopt more formal procedures.

Future City Actions

Prior to December 15, 2026, the City will undertake the following:

- Consider whether it should continue allowing remote participation.
- Update its Council Procedures Manual to require that teleconference locations are maintained for the meeting's duration.
- Update its Council Procedures Manual to include formal teleconference procedures to ensure compliance with the Brown Act.
- Adopt written guidance regarding appropriate teleconferencing locations.

Thank you



CUPERTINO