



CITY OF CUPERTINO

AGENDA

CITY COUNCIL

10350 Torre Avenue, Council Chamber and via Teleconference
Tuesday, February 21, 2023
5:00 PM

Televised Special Meeting (5:00) and Regular City Council Meeting (6:45)

IN-PERSON AND TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION

Members of the public wishing to observe the meeting may do so in one of the following ways:

- 1) Attend in person at Cupertino Community Hall, 10350 Torre Avenue.
- 2) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.
- 3) The meeting will also be streamed live on and online at www.Cupertino.org/youtube and www.Cupertino.org/webcast

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

- 1) Appear in person at Cupertino Community Hall. Members of the audience who address the City Council must come to the lectern/microphone, and are requested to complete a Speaker Card and identify themselves. Completion of Speaker Cards and identifying yourself is voluntary and not required to attend the meeting or provide comments.
- 2) E-mail comments by 4:00 p.m. on Tuesday, February 21 to the Council at citycouncil@cupertino.org. These e-mail comments will also be forwarded to Councilmembers by the City Clerk's office before the meeting and posted to the City's website after the meeting.

Members of the public may provide oral public comments during the meeting as follows:

Oral public comments will be accepted during the meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item.

Teleconferencing Instructions

To address the City Council, click on the link below to register in advance and access the meeting:

Online

Register in advance for this webinar:

https://cityofcupertino.zoom.us/webinar/register/WN_0-hXbxEyQHK17VmeFj18YQ

Phone

Dial: 669-900-6833 and enter Webinar ID: 977 6478 0138 (Type *9 to raise hand to speak, *6 to unmute yourself). Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 977 6478 0138

SIP: 97764780138@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter "Cupertino Resident" or similar designation.
3. When the Mayor calls for the item on which you wish to speak, click on "raise hand," or, if you are calling in, press *9. Speakers will be notified shortly before they are called to speak.
4. When called, please limit your remarks to the time allotted and the specific agenda topic.
5. Members of the public that wish to share a document must email cityclerk@cupertino.org

prior to speaking.

NOTICE AND CALL FOR A SPECIAL MEETING OF THE CUPERTINO CITY COUNCIL

NOTICE IS HEREBY GIVEN that a special meeting of the Cupertino City Council is hereby called for Tuesday, February 21, 2023, commencing at 5:00 p.m. in Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, California 95014 and via teleconference. Said special meeting shall be for the purpose of conducting business on the subject matters listed below under the heading, "Special Meeting."

SPECIAL MEETING

ROLL CALL - 5:00 PM

ACTION CALENDAR

1. Subject: Consider City Hall Renovation Project update
Recommended Action: Staff requests City Council re-affirm the direction previously provided for the City Hall Renovation Project
Presenter: Susan Michael, Capital Improvement Programs Manager
[Staff Report](#)
[A - City Council Minutes 11-15-2022](#)
[B - City Council Timeline City Hall Project](#)

ADJOURNMENT

REGULAR MEETING

CALL TO ORDER - 6:45 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CLOSED SESSION REPORT - None

CEREMONIAL ITEMS

1. Subject: Recognition of 2022 STEM Winners from the City of Cupertino who participated in the Santa Clara County 2022 Synopsys Championship Science Fair
Recommended Action: Present Certificates of Recognition to 2022 STEM Winners from the City of Cupertino who participated in the Santa Clara County 2022 Synopsys Championship Science Fair
[A - Certificates of Recognition](#)
2. Subject: Consider a proclamation recognizing the Wafu School of Ikebana

Recommended Action: Present proclamation recognizing the Wafu School of Ikebana

[A - Proclamation](#)

3. Subject: Consider a proclamation recognizing Mrs. Fusako “Seiga” Hoyrup, a principal instructor of the Wafu School of Ikebana

Recommended Action: Present proclamation recognizing Mrs. Fusako “Seiga” Hoyrup, a principal instructor of the Wafu School of Ikebana

[A - Proclamation](#)

POSTPONEMENTS AND ORDERS OF THE DAY

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda for discussion. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda. A councilmember may, however, briefly respond to statements made or questions posed by speakers. A councilmember may also ask a question for clarification, provide a reference for factual information, request staff to report back concerning a matter, or request that an item be added to a future City Council agenda in response to public comment.

CONSENT CALENDAR (items 4-9)

Items appearing on the Consent Calendar are considered routine City business and may be approved by one motion. Any member of the Council may request to have an item removed from the Consent Calendar based on the rules set forth in the City Council Procedures Manual. Members of the public may provide input on one or more consent calendar items when the Mayor asks for public comments on the Consent Calendar.

4. Subject: Consider approval of the January 25 City Council minutes (continued from February 7)

Recommended Action: Approve the January 25 City Council minutes

[A - Draft Minutes](#)

5. Subject: Consider ratifying Accounts Payable for the period ending November 13, 2022 (continued from February 7)

Recommended Action: Adopt Resolution No. 23-023 ratifying Accounts Payable for the period ending November 13, 2022

[Staff Report](#)

[A – Draft Resolution](#)

[B - Weekly AP Payment Register for the Period Ending 11.13.22](#)

[C - Subsequent Responses to Questions](#)

6. Subject: Consider adoption of a resolution establishing the Commemorative Bench Dedication Policy and waiving the commemorative fee for Marilyn Francesco. (continued from February 7)
Recommended Action: Adopt Resolution No. 23-024 (Attachment A) establishing the Commemorative Bench Dedication Policy and allow a one-time waiver of the policy for Marilyn Francesco.
[Staff Report](#)
[A - Draft Resolution](#)
[B - Draft Commemorative Bench Dedication Policy](#)
7. Subject: Consider approval of the January 30 City Council minutes
Recommended Action: Approve the January 30 City Council minutes
[A - Draft Minutes](#)
8. Subject: Consider approval of the January 31 City Council minutes
Recommended Action: Approve the January 31 City Council minutes
[A - Draft Minutes](#)
9. Subject: Consider approval of the February 7 City Council minutes
Recommended Action: Approve the February 7 City Council minutes
[A - Draft Minutes](#)

PUBLIC HEARINGS - None

Effective January 1, 2023, Government Code Section 65103.5 (SB 1214) limits the distribution of copyrighted material associated with the review of development projects. Members of the public wishing to view plans that cannot otherwise be distributed under SB 1214 may make an appointment with the Planning Division to view them at City Hall by sending an email to planning@cupertino.org. Plans will also be made available digitally during the hearing to consider the proposal.

ACTION CALENDAR

10. Subject: Consider approval of response to 2022 Civil Grand Jury of Santa Clara County Report entitled, "A House Divided" (continued from February 7)
Recommended Action: Approve response to 2022 Civil Grand Jury of Santa Clara County Report entitled, "A House Divided"
Presenter: Christopher Jensen, City Attorney

[Staff Report](#)

[A – February 7, 2023 Staff Report](#)

[B – Civil Grand Jury of Santa Clara County Report](#)

[C – Draft Response to Civil Grand Jury of Santa Clara County](#)

11. Subject: Consider (1) adopting Resolution No. 23-026 to repeal and replace Resolution No. 18-010, regarding the Legislative Review Committee; (2) establishment of an Economic Development Working Group by the City Manager; (3) amending the Cupertino Municipal Code to repeal Chapters 2.84 (Environmental Review Committee), 2.90 (Design Review Committee), and 2.96 (Economic Development Committee); to adopt Chapter 17.02 (California Environmental Quality Act), regarding local environmental review procedures; and to amend Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124, regarding the duties of the Planning Commission, Audit Committee, and Local Assessment Committee; and (4) finding the above actions exempt from the California Environmental Quality Act

Recommended Action: 1. Adopt Resolution No. 23-026 to repeal and replace Resolution No. 18-010, regarding the Legislative Review Committee.

2. Conduct the first reading of Ordinance No. 23-2247 repealing Municipal Code Chapters 2.84, 2.90, and 2.96, adopting Municipal Code Chapter 17.02, and amending Municipal Code Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124.

3. Find the actions exempt from the California Environmental Quality Act.

Presenter: Pamela Wu, City Manager

[Staff Report](#)

[A - Draft Resolution Revisiting the Legislative Advocacy Policy](#)

[B - Draft Ordinance \(Commissions and Committees\) Redlined](#)

[C - Draft Ordinance \(Commissions and Committees\) Clean](#)

COUNCIL REPORTS AND COMMENTS

CITY MANAGER REPORT

ORAL COMMUNICATIONS - CONTINUED

INFORMATIONAL ITEMS

Information items are intended to provide background information and routine reports to Councilmembers and the public, without discussion by Council. Members of the public wishing to comment on informational items should do so during oral communications.

12. Subject: Consider the Monthly Treasurer's Report for December 2022 (continued from February 7)

Recommended Action: Receive the Monthly Treasurer's Report for December 2022

[Staff Report](#)

[A - Report of City-wide Receipts, Disbursements, and Cash Balances December 2022](#)

[B - Report of City-wide Fund Balances December 2022](#)

13. Subject: Informational memorandum regarding retail square footage analysis of Main Street (continued from February 7)
Recommended Action: Receive the informational memorandum on the retail square footage analysis and the provisions for restaurant use at the Main Street Cupertino project
[A - Memorandum](#)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

Lobbyist Registration and Reporting Requirements: Individuals who influence or attempt to influence legislative or administrative action may be required by the City of Cupertino's lobbying ordinance (Cupertino Municipal Code Chapter 2.100) to register and report lobbying activity. Persons whose communications regarding any legislative or administrative are solely limited to appearing at or submitting testimony for any public meeting held by the City are not required to register as lobbyists. For more information about the lobbying ordinance, please contact the City Clerk's Office at 10300 Torre Avenue, Cupertino, CA 94107; telephone (408) 777-3223; email cityclerk@cupertino.org; and website: www.cupertino.org/lobbyist.

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/cityclerk> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, Cupertino, California 95014, during normal business hours; and in Council

packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public records and will be made publicly available on the City website.



CITY OF CUPERTINO

Agenda Item

23-11985

Agenda Date: 2/21/2023
Agenda #: 1.

Subject: Consider City Hall Renovation Project update

Staff requests City Council re-affirm the direction previously provided for the City Hall Renovation Project

Presenter: Susan Michael, Capital Improvement Programs Manager



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: February 21, 2023

Subject

Consider the City Hall Renovation Project update.

Recommended Action

Staff requests City Council re-affirm the direction previously provided for the City Hall Renovation Project.

Reasons for Recommendation:

On January 17, Council requested a future agenda item to allow Council to reconsider direction on the City Hall Capital Improvement Program (CIP) project provided at the November 15, 2022. Before proceeding further with development of the CIP FY23-24 proposal, staff requests confirmation from City Council regarding the November 15, 2022, direction.

Background

The City of Cupertino began exploring the possibility of a capital project focused on replacing or renovating City Hall in 2005. Further information on the various avenues explored is available on the Civic Center Master Plan Archive webpage, found at Cupertino.org/CivicCenter.

At the July 19, 2022, Council meeting, Council created the City Hall Project Subcommittee (Subcommittee,) and Councilmembers Moore and Willey were appointed to it. The purpose of the Subcommittee was to review the City Hall facility, evaluate viable solutions and bring forward recommendations for Council's consideration. The review included options for seismic upgrades to the existing building, renovations to the existing building, replacement of the existing building, and other elements that support ongoing City operations. To support the work of the Subcommittee, staff compiled information on a project specific webpage Cupertino.org/CIP_CityHall. Presentations to the Subcommittee are also posted on this webpage.

Attachment B is a list of notable action items by City Council regarding a new or renovated City Hall CIP project.

Most recently, the Subcommittee evaluated solutions for a City Hall Renovation Project. The Subcommittee reviewed details of facility needs for City Hall in a series of six meetings. These meetings covered six broad topics. Each topic was independently important and included project costs and funding.

The Subcommittee presented their findings to City Council on November 15, 2022, which included:

- The combination of space needs, seismic deficiencies, and deferred capital maintenance to justify an investment in the City Hall facility.
- Incorporating the Emergency Operation Center into the City Hall Annex project removed the requirement to upgrade City Hall to a Category IV building.
- The successful acquisition of the City Hall Annex property provides additional space for City operations.
- Although parking has been challenging, new dynamics in the workplace combined with small capacity improvements may alleviate the immediate need for additional parking, allowing for the decision on expanding parking to be deferred.
- The City's strong financial position allows for a project cost of up to \$45 million.
- A City Hall renovation project with an estimated cost of \$25,600,000 can meet the business needs of the City for the foreseeable future.

The Subcommittee recommended that the City Council consider directing staff to include the City Hall Renovation project in the Fiscal Year (FY) 2023-24 CIP Budget, which provides for a renovation of City Hall to Category II seismic standards, addresses deferred capital maintenance, and considers space programming needs. The target project cost would be approximately \$25,600,000. Separately, programming of parking solutions for short and medium-term modest increases in parking were included while retaining larger more costly parking additions for future evaluation. Council's action was aligned with these recommendations, with the notable difference of increasing the project to Risk Category IV for a slightly increased cost.

The November 15, 2022 Council action was to:

1. Receive the report of the City Hall Project Subcommittee; and
2. Direct staff to include the City Hall Renovation – including full seismic retrofit, MEP/IT, interior finishes, and layout complete refurbishment, at the level of California Building Code's structural "Risk Category IV" for approximately \$27,500,000, as part of the fiscal year 2023-24 proposed CIP project and budget.

The motion carried 4-1 with Councilmember Wei voting no.

Sustainability Impact

Future projects will be evaluated for sustainability impacts as they are developed.

Fiscal Impact

There is no present fiscal impact. Future budget allocations will be made through the annual budget process.

California Environmental Quality Act (CEQA):

Future projects will be evaluated for CEQA requirements as they are developed.

Prepared by: Susan Michael, Capital Improvement Programs Manager

Reviewed by: Chad Mosley, Interim Director of Public Works

Reviewed by: Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – City Council Minutes 11-15-2022

B - City Council Timeline City Hall Project



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday, November 15, 2022**

SPECIAL MEETING

At 5:31 p.m., Mayor Paul 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 Darcy Paul, Vice Mayor Liang Chao (5:32), and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey. Vice Mayor Liang Chao attended the meeting via teleconference.

STUDY SESSION

1. Subject: Status update on the 6th Cycle Housing Element update
Recommended Action: Receive the report and direct staff to 1) publish the draft Housing Element and to solicit public feedback for 30-days and, 2) incorporate comments received in the draft Housing Element and submit the document to the State Housing and Community Development Department (HCD) for review

Written communications for this item included a staff presentation and an email to Council.

Acting Community Development Director Luke Connelly gave a presentation.

Mayor Paul opened the public comment period and the following people spoke.

Peggy Griffin asked about the draft document contents, satisfying the deadline, the 10-day response period, and submittal options. (Submitted written comments).

Planning Commissioner Muni Madhhipatla (representing self) asked about satisfying the certification deadline and the progress of other cities.

Scott Connelly supported promptly submitting to HCD instead of waiting and asked about the processes for EIR, consultant hiring, and after adoption.

Jennifer Griffin supported an extension allowance for Northern California and the City proceeding cautiously and opposed HCD management.

Lisa Warren supported the options presented by staff, replacing the consultant, and documentation for public review prior to consideration.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Moore moved and Chao seconded the staff recommendation with a draft Housing Element publication target date of Friday, November 18, 2022 and submittal date to HCD on January 20, 2023.

Chao made a friendly amendment to submit an informational item on the January 17 Council agenda prior to submittal to HCD on January 20. (Moore accepted the friendly amendment).

Moore modified her motion to solicit public feedback for at least 30-days. (Chao accepted the modification).

Willey made a friendly amendment to add the Bubba Road site from Tier 2 to Tier 1 in the site inventory. (Moore declined the friendly amendment, and it was not considered).

Final Motion:

Moore moved and Chao seconded to direct staff to 1) publish the draft Housing Element on Friday, November 18, 2022 and to solicit public feedback for at least 30-days;

2) submit an informational item on the January 17 Council agenda prior to submittal to HCD; and

3) incorporate comments received in the draft Housing Element and submit the document to the State Housing and Community Development Department (HCD) for review on January 20, 2023.

The amended and modified motion carried unanimously.

ADJOURNMENT

At 6:46 p.m., Mayor Paul adjourned the Special City Council Meeting.

REGULAR MEETING

At 6:50 p.m., Mayor Paul 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.

ROLL CALL

Present: Mayor Darcy Paul, Vice Mayor Liang Chao, and Councilmembers Kitty Moore, Hung Wei, and Jon Robert Willey.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Consider a proclamation recognizing November 13 - 19, 2022 as United Against Hate Week
Recommended Action: Present proclamation recognizing November 13 - 19, 2022 as United Against Hate Week

Anthony Rodriguez, Senior Advisor for the Office of Mayor Jesse Arreguin, received the proclamation.

Mayor Paul presented the proclamation recognizing November 13 - 19, 2022 as United Against Hate Week

2. Subject: Consider a proclamation recognizing November 26, 2022 as Small Business Saturday
Recommended Action: Present proclamation recognizing November 26, 2022 as Small Business Saturday

The following small business representatives received proclamations:

- Vicky Tsai of DryClean Pro
- Efren Flores of Holder's Country Inn
- Thalia Swangchaeng of Pineapple Thai
- Kishore Muvva of Trinethra Indian Supermarket
- Gloria You and Lucas Lyu of Sun Design Center

Mayor Paul presented the proclamations recognizing November 26, 2022 as Small

Business Saturday.

3. Subject: Consider certificates of appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Recommended Action: Present certificates of appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Silicon Valley Korean School Principal Young Sook Kim made comments and introduced the recipients.

Mayor Paul presented the certificates of appreciation to volunteers at the Silicon Valley Korean School (SVKS)

Council recessed from 7:10 p.m. to 7:25 p.m.

Councilmembers Moore and Willey left the dais and attended the remainder of the meeting via teleconference.

POSTPONEMENTS AND ORDERS OF THE DAY

Moore moved and Paul seconded to move Item 24 to the Consent Calendar. The motion carried with Wei and Chao voting no.

ORAL COMMUNICATIONS

Bob Hirt supported changing the use of Blackberry Farm Golf Course to a natural setting and preserving biodiversity.

A Huang Family representative was concerned about a case regarding an illegal structure that was removed from their backyard requiring litigation.

Peggy Griffin supported requiring printed names of signatories on City contracts and revision dates for documents on the City website.

Jennifer Griffin was concerned about recent Housing bills and loss of local control and supported transparency and public input.

Housing Commissioner Connie Cunningham (representing self) supported preserving natural spaces, protecting biodiversity and native trees, and restoring nature on the golf course.

Rhoda Fry supported Lehigh Cement Plant's closure and was concerned about permit

authority for a new aggregate plant, noise, traffic, and filming activities.

Lisa Warren supported continuing the use of Blackberry Farm Golf Course and disagreed with comments that a majority of public opinion supported discontinuing the golf course.

REPORTS BY COUNCIL AND STAFF

4. Subject: Brief reports on councilmember activities and brief announcements
Recommended Action: Receive brief reports on councilmember activities and brief announcements

Council received brief reports on councilmember activities and brief announcements.

5. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

6. Subject: Report on Subcommittee assignments
Recommended Action: Report on Subcommittee assignments

Councilmembers reported on Subcommittee assignments.

7. Subject: City Manager update
Recommended Action: Receive City Manager update on City business

Council received the City Manager update on City business.

8. Subject: Department Update - Administrative Services
Recommended Action: Receive update regarding the Administrative Services Department

Written communications for this item included a staff presentation.

Director of Administrative Services Kristina Alfaro gave a presentation.

Council received the update regarding the Administrative Services Department.

CONSENT CALENDAR (Items 9-21 and 24)

Wiley moved and Wei seconded to approve the items on the Consent Calendar, except Item 24

City Council

Minutes

November 15, 2022

which was added to the Consent Calendar and then pulled for discussion. Items 9-17 and 19-21:
Ayes: Paul, Chao, Moore, Wei, and Willey. Noes: None. Recused: None. Absent: None; Item 18:
Ayes: Paul, Moore, Wei, and Willey. Noes: None. Recused: Chao. None. Absent: None.

9. Subject: Consider approval of the November 1 City Council minutes
Recommended Action: Approve the November 1 City Council minutes
10. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period November 15, 2022 through December 15, 2022 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 22-133 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period November 15, 2022 through December 15, 2022 pursuant to the Brown Act, as amended by AB 361
11. Subject: Consider accepting Accounts Payable for the periods ending September 11, 2022; September 18, 2022; September 25, 2022; and October 2, 2022
Recommended Action: A. Adopt Resolution No. 22-134 accepting Accounts Payable for the period ending September 11, 2022;
B. Adopt Resolution No. 22-135 accepting Accounts Payable for the period ending September 18, 2022;
C. Adopt Resolution No. 22-136 accepting Accounts Payable for the period ending September 25, 2022; and
D. Adopt Resolution No. 22-137 accepting Accounts Payable for the period ending October 2, 2022
12. Subject: Consider the Monthly Treasurer's Report for September 2022
Recommended Action: Accept the Monthly Treasurer's Report for September 2022
13. Subject: Consider the Monthly Treasurer's Investment Report for September 2022
Recommended Action: Accept the Monthly Treasurer's Investment Report for September 2022
14. Subject: Consider the Treasurer's Investment Report for Quarter Ending September 30, 2022
Recommended Action: Accept the Treasurer's Investment Report for Quarter Ending September 30, 2022
15. Subject: Consider Authorizing the City Manager to execute a First Amendment to Active Network, LLC., Product and Services Agreement, to renew Active Network Recreation Management Services Software Solution for \$1,430,000, plus a contingency

of \$143,000, over five years for a total cost of \$1,573,000

Recommended Action: Authorize the City Manager to execute a First Amendment to Active Network, LLC., Product and Services Agreement, to renew Active Network Recreation Management Services Software Solution for \$1,430,000, plus a contingency of \$143,000, over five years for a total cost of \$1,573,000

16. Subject: Consider adoption of a revised Cupertino Community Funding Grant Program Policy (continued on September 20, 2022)

Recommended Action: Receive an update from the City Council subcommittee meetings for the Cupertino Community Funding Grant Program Policy and adopt a revised Cupertino Community Funding Grant Program Policy

17. Subject: Continue the Community Funding Grant subcommittee with expanded jurisdiction to review the festival fee waiver policy and application

Recommended Action: Direct the Community Funding Grant subcommittee, including Vice Mayor Chao, Councilmember Moore, Parks and Recreation Commission Chair and Vice Chair and Parks and Recreation Department Director to develop a proposed Festival Fee Waiver Policy and festival fee waiver application.

18. Subject: Consider setting a hearing date on January 17, 2023 to declare a public nuisance (from weeds) and to consider objections for proposed removal; declare properties as having potential fire hazards from weeds or other potential nuisances for the Cupertino Weed Abatement Program

Recommended Action: Adopt Resolution No. 22-138 declaring properties as having potential fire hazards from weeds or other potential nuisances; and set hearing on January 17, 2023 to declare a public nuisance and to consider objections for proposed removal

Vice Mayor Chao recused herself from this item.

19. Subject: Consider authorization to execute a first amendment to the agreement for Disposal of Municipal Solid Waste between the City of Cupertino and International Disposal Corporation of California, Inc., extending the term for two years

Recommended Action: Authorization of the City Manager to execute a first amendment to the agreement for Disposal of Municipal Solid Waste between the City of Cupertino and International Disposal Corporation of California, Inc. to November 2025

20. Subject: Consider the summary vacation of a portion of a Public Utility Easement on the property located at 10826 Brookwell Drive

Recommended Action: Adopt Resolution No. 22-139, summarily vacating a portion of

Public Utility Easement on the property located at 10826 Brookwell Drive

21. Subject: Consider approval of a Final Map and the Subdivision Improvement Agreement for the Alan Row Development Project (Tract No. 10587; Applicant: Alan Enterprise, LLC; Location: 22690 Stevens Creek Boulevard; APN's: 342-14-104, 342-14-105, and 342-14-066
Recommended Action: Adopt Resolution No. 22-140:
1) Approving the final map;
2) Accepting the street dedication and public service easements and abandoning redundant public roadway easements as shown on the map; and
3) Authorizing the City Engineer to execute and record the Subdivision Improvement Agreement
24. Subject: Consider City Hall Renovation Project update
Recommended Action: 1. Receive report of the City Hall Project Subcommittee; and
2. Direct staff to include the City Hall Renovation Project as part of the fiscal year 2023-24 proposed Capital Improvement Program (CIP) project and budget
Presenter: Susan Michael, Capital Improvement Programs Manager

This item was pulled from the Consent Calendar for discussion.

Written communications for this item included a staff presentation.

Capital Improvement Programs Manager Susan Michael gave a presentation.

Mayor Paul opened the public comment period and the following people spoke.

Peggy Griffin supported the decreased project cost and was concerned about preserving the trees near Library Field and the economic downturn.

Jean Bedord opposed limiting the renovation to the same building at \$26.5 million and was concerned about addressing library parking and housing units.

Jennifer Griffin supported the proposed project and preserving trees along the parking lot and was concerned about economic uncertainty.

Lisa Warren was concerned about reducing parking by Library Field and supported the project as a major remodel instead of tearing down the building.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

Chao moved and Willey seconded to:

1. Receive the report of the City Hall Project Subcommittee; and
2. Direct staff to include the City Hall Renovation – including full seismic retrofit, MEP/IT, interior finishes, and layout complete refurbishment, at the level of California Building Code’s structural “Risk Category IV” for approximately \$27,500,000, as part of the fiscal year 2023-24 proposed Capital Improvement Program (CIP) project and budget.

The motion carried with Wei voting no.

Council recessed from 9:36 p.m. to 9:41 p.m.

SECOND READING OF ORDINANCES

- 22.** Subject: City Council hearing to conduct second reading of amendments to implement state legislation (Senate Bill 9), that provides for ministerial approval of up to two units and/or a lot split in a residential single-family zone

Recommended Action: Conduct the second reading and enact Ordinance No. 22-2246: "An Ordinance of the City Council of the City of Cupertino amending chapters 18.20.170, 19.08.030, 19.12.030, 19.12.110, 19.28.040, 19.28.050, 19.28.110, 19.28.150, 19.28.170, 19.40.050, 19.40.060, 19.40.090, and 19.112.060 to adopt standards for ministerial approval of duplexes and lot splits in Single-Family Residential zoning districts."

Mayor Paul opened the public comment period and the following people spoke.

Jennifer Griffin opposed SB 9 and SB 10 and new Housing bills and was concerned about community impacts.

Mayor Paul closed the public comment period.

Councilmembers asked questions and made comments.

City Clerk Kirsten Squarcia read the title of Ordinance No. 22-2246: "An Ordinance of the City Council of the City of Cupertino amending chapters 18.20.170, 19.08.030, 19.12.030, 19.12.110, 19.28.040, 19.28.050, 19.28.110, 19.28.150, 19.28.170, 19.40.050, 19.40.060, 19.40.090, and 19.112.060 to adopt standards for ministerial approval of duplexes and lot splits in Single-Family Residential zoning districts."

Moore moved and Chao seconded to:

City Council

Minutes

November 15, 2022

1. Read Ordinance No. 22-2246 by title only, and that the City Clerk's reading constitutes the second reading thereof; and
2. Enact Ordinance No. 22-2246.

Ayes: Moore, Wei, Willey, Chao, and Paul. Noes: None. Abstain: None. Absent: None.

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

23. Subject: Consider the First Quarter Financial Report for Fiscal Year 2022-23
Recommended Action: 1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2022-23
2. Adopt Resolution No. 22-141 approving Budget Modification #2223-244 increasing appropriations by \$1,806,337 and revenues by \$920,149
Presenters: Kristina Alfaro, Director of Administrative Services and Thomas Leung, Budget Manager

Written communications for this item included a staff presentation.

Director of Administrative Services Kristina Alfaro and Budget Manager Thomas Leung gave a presentation.

Mayor Paul opened the public comment period and, seeing no one, closed the public comment period.

Councilmembers asked questions and made comments.

Paul moved and Wei seconded to:

1. Accept the City Manager's First Quarter Financial Report for Fiscal Year 2022-23
 2. Adopt Resolution No. 22-141 approving Budget Modification #2223-244 increasing appropriations by \$1,806,337 and revenues by \$920,149
- The motion carried unanimously.

As noted under Postponements and Orders of the Day, Item 24 was moved to the Consent Calendar.

ORAL COMMUNICATIONS - CONTINUED (As necessary) – None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Councilmembers requested the following items:

City Council

Minutes

November 15, 2022

- Consider implementing member of the public's suggestion by including printed names on contract signatures and adding numbering and webpage version control (Chao and Moore)
- Receive update on Lehigh Cement Plant and Quarry activities (Chao, Moore, and Willey)
- Future agenda item to discuss extending the jurisdiction, meeting frequency and length of time Housing Element Community Engagement Plan Subcommittee (Chao and Willey and Moore)

ADJOURNMENT

At 11:15 p.m., Mayor Paul adjourned the Regular City Council Meeting.



Kirsten Squarcia City Clerk

**PUBLIC WORKS DEPARTMENT**

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

MEMORANDUM – ATTACHMENT B

date	January 19, 2023
Subject	Timeline of City Council past Actions regarding City Hall project

The following list is provided as a reference to past actions by City Council regarding the City Hall project. There have been many options presented and reviewed since 2005. It is hoped that this list assists those who wish to understand and/or investigate the options presented and decided upon.

Noteworthy Historic milestones:

- **1965**, City Hall is constructed.
- **1986**, City Hall is renovated: The scope of work included a seismic retrofit to the building, and an expansion of the basement level to accommodate workplace uses.
- **2003 – 2004**, Cupertino Library and Community Hall are constructed
- **2005**, Structural Systems/ Renovations Reviewed: While reviewing existing conditions in the service of developing a new scope of work to renovate the Council Chambers and the Public Lobby, the project design engineers discovered that mistakes were made in the structural calculations that formed the basis of the structural retrofit scope of work. The conclusion was reached by the design team and third-party reviewers (including the original building designer/engineers) that the building was not adequately structurally reinforced to withstand a significant seismic event. This structural inadequacy has been analyzed in numerous reports/studies since the original discovery (2005/6, 2011, 2012, 2014, and 2021) and the subsequent findings are consistent with the original findings
- **2011 – 2015**, Civic Center Master Plan is developed, including options for a new or renovated City Hall.

Significant City Council action items in the development of the City Hall project

Date	Topic	Extracts/Summaries from Meeting Minutes
December 18, 2012	Civic Center Master Plan Framework	“Concurrent with the master planning effort, further analysis of the existing City Hall building was done. The analysis highlighted structural improvements that should be made to bring the building into compliance with current codes. ...”
February 19, 2013	CCMP Framework presentation	On February 19, 2013, Council received a presentation of the Civic Center Master Plan Framework which laid out three very conceptual scenarios for a master plan for the Civic Center. The Council provided direction to further develop the Civic Life plan of the Framework, with a process that would include community outreach, a solution to accommodate the demand for parking at the Civic Center and consider financing options for realization of the master plan.
June 2013	FY2014 CIP approval	In June 2013, Council approved the FY 2014 CIP budget which includes funding for the Civic Center Master Plan project, conceptual design for a Civic Center parking garage, and design for the expansion of the Library story room.
March 4, 2014	Approve P+W contract for CCMP	CC was asked to approve contract with Perkins + Will for \$571,000 for “urban planning and architectural design services for the Civic Center Master Plan & Parking Garage Conceptual Design”. The Capital Improvements Program Budget for FY2013/14, approved by Council in June 2013, includes four projects at the Civic Center complex. <ul style="list-style-type: none"> • Civic Center Master Plan • Civic Center - Parking Structure – Conceptual Design • Library - Book Drop-off Shade Canopy • Library Story Room Expansion
April 01, 2014	Civic Center parking	Staff reported on the completed Parking survey which included interim parking mitigation measures.

July 7, 2014	CCMP Study Session	The proposed Civic Center Master Plan was reviewed by Council.
October 21, 2014	CCMP selection of preferred project	<p>At the August 19th council meeting, during the report on the community engagement process for the Civic Center Master plan, Council requested a high-level feasibility study of the existing City Hall prior to determining a preferred Civic Center Master Plan. The Council directed staff to bring forward Master Plan alternatives and cost estimates for the following elements:</p> <ul style="list-style-type: none"> • City Hall options including: seismic retrofits with and without an Emergency Operations Center (EOC), a remodel of City Hall, and a potential new City Hall; • Parking solutions for the existing and projected parking deficit including under Library Field, behind the Library, and under a potential new City Hall; • Library Program Room expansion options.
July 7, 2015	CCMP report and EIR	<p>Council adopted the Civic Center Master Plan, which includes a new city hall with added space and underground garage. Recommended/Approved Action items:</p> <ol style="list-style-type: none"> a. Receive the presentation of the Civic Center Master Plan; and then b. Consider the Initial Study/Mitigated Negative Declaration and adopt the Mitigated Negative Declaration; and then c. Adopt Resolution 15-XX approving the Civic Center Master Plan; and d. Provide direction to staff on next steps toward implementation of the Civic Center Master Plan.
August 18, 2015	Design Services, Financing Options	Council did not approve the \$5M item to initiate architectural design of the City Hall project. Council asked the staff to come back with financing options.
November 17, 2015	Creative Cost Option requested	Council directed the staff to come back with a creative solution to keep the cost of the City Hall design and construction project lower than \$40M.

December 10, 2015	Design Build options	70 page memo from Staff: "Because we were not successful in our attempts to discover a project delivery process that could develop a \$70 million estimated cost project for less than the maximum \$40 million authorized by Council, we will not be bringing the project for further consideration unless so directed by City Council."
April 03, 2018	Discussion of alternative renovation plans for City Hall	<p>"There is no fiscal impact with this study session, however if the City Council directs staff to include a project to renovate city hall to an essential facility standard as shown in the approved Council Work Program, the proposed capital improvement plan for 2018-19 would include a budget for design costs of \$2.1 million, followed by a budget in 2019-20 of approximately \$18.9 million for construction (including staff relocations, temporary facilities, project management, contingencies, etc.)"</p> <p>Conducted discussion of alternative renovation plans for city hall and provided the following direction:</p> <ul style="list-style-type: none"> • There was not support for a city hall renovation process. • Directed staff to prepare a report for a charter city process; and • Look at other designs/general concepts for a new city hall in the next 5-7 months; and • Look at other potential cost saving solutions, still preserving the new 40,000 square foot building as the preferred alternative.
October 16, 2018	Archtl Services for New City Hall	Council approved the Budget Adjustment in the Amended Amount of \$3.5M for architectural design services for a New City Hall, \$500K for professional services for an Interim City Hall, and \$87,500 for a limited term project manager in Public Works.
April 30, 2019	Civic Center update	Council received an update and provided comments regarding a.) City Hall Design/Delivery Strategy including potential funding, and; b.) Library Expansion Strategy including potential funding.

		<p>Consensus comments and direction on the City Hall item (specifically) included:</p> <ul style="list-style-type: none"> • Decouple City Hall and Library Expansion projects; • Gather input from community groups and consider additional options such as at Memorial Park; • Bring back more detail regarding seismic need and what seismic improvements at the existing City Hall would provide along and other upgrades; • Value engineering; • Allocate dollars toward a building fund for long-term plan for City Hall; • Bring back options to Council.
April 2021	FY2022 CIP study session	Council approved the FY20-21 CIP program that included the project “City Hall and Community Hall Improvements (Programming and Feasibility)”, funded for \$500,000.
April 2022	FY2023 CIP study session	Council did not approve the proposal to include the project “City Hall Renovation/ Replacement and Library Parking Garage: Design and Construction.”
July 19, 2022	City Hall Project Subcommittee formed	Council motioned to appoint Councilmembers Moore and Willey to serve on the City Hall Project Subcommittee, and to start meeting right away. The motion carried with Wei voting no.

Sincerely,

Susan Michael, AIA, LEED AP
Capital Improvement Programs Manager

cc: Chad Mosley, Interim Director of Public Works, and Matt Mosley, Assistant City Manager



CITY OF CUPERTINO

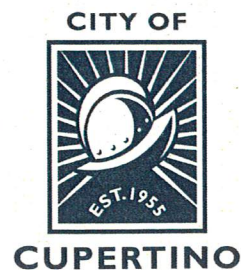
Agenda Item

23-11943

Agenda Date: 2/21/2023
Agenda #: 1.

Subject: Recognition of 2022 STEM Winners from the City of Cupertino who participated in the Santa Clara County 2022 Synopsys Championship Science Fair

Present Certificates of Recognition to 2022 STEM Winners from the City of Cupertino who participated in the Santa Clara County 2022 Synopsys Championship Science Fair



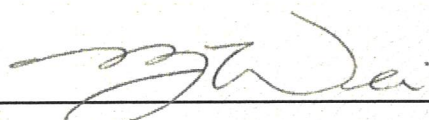
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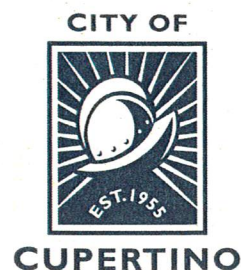
Presented to

Aakash Kumar

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Applying adversarial networks to create perturbation
resistant image recognition for Self Driving cars."


Hung Wei
Mayor



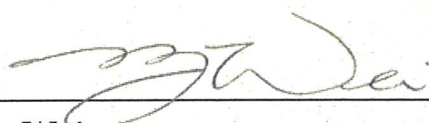
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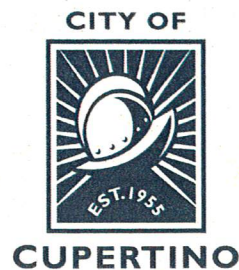
Presented to

Aaryan Doshi

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"A Deep Learning Pipeline for Drought Assessment using
Spatial Satellite Images and Dense Neural Networks."


Hung Wei
Mayor



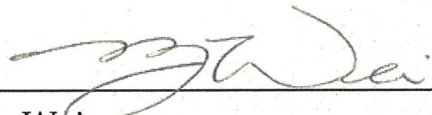
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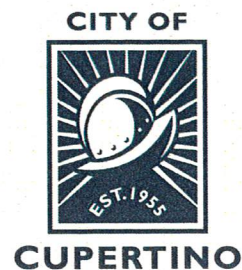
Presented to

Adhip Raghunathan

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Utilizing Light Diffraction to Cheaply and
Autonomously Detect Microplastics in Our Water."


Hung Wei
Mayor



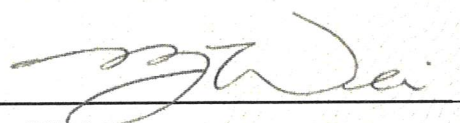
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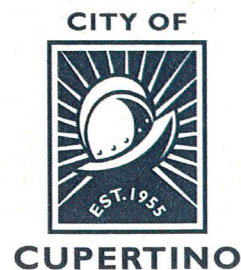
Presented to

Aditi Vaduri

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Decoding The Unpredictable Behaviors Of ASD Students."


Hung Wei
Mayor



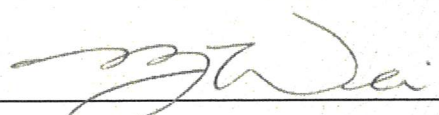
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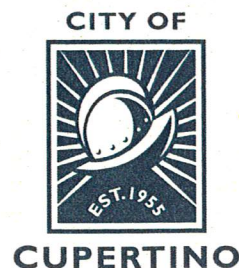
Presented to

Aditya Rao

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"EyeWalk: A Computer Vision Based Wearable Device
to Aid the Navigation of the Visually Impaired."


Hung Wei
Mayor



Certificate of Recognition

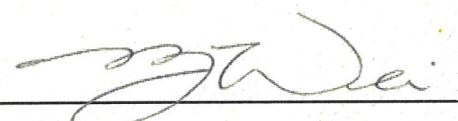
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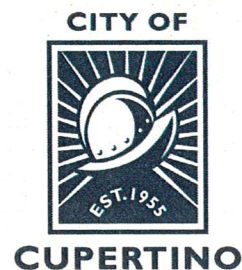
Amanjyoti Mridha

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project

"The usage of deep neural networks for generating
large artificial image datasets from limited data."


Hung Wei
Mayor



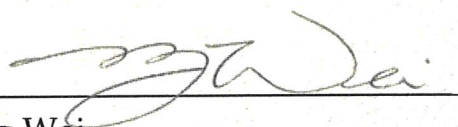
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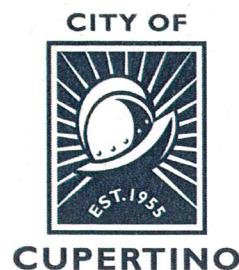
Presented to

Amy Zheng

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"A machine learning approach to exoplanet prediction
through pattern analysis using the transit method."


Hung Wei
Mayor



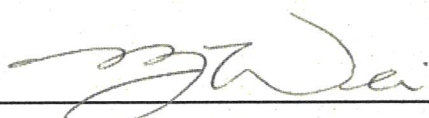
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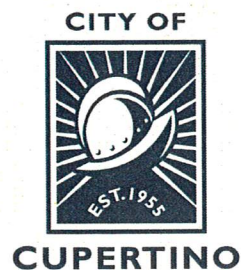
Presented to

Anagha Badriprasad

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"NeutralNet:Renal Cancer Recall Compensation via a Fine-grained
Lagrangian DNN Loop with Universal Anti-bias Applications."


Hung Wei
Mayor



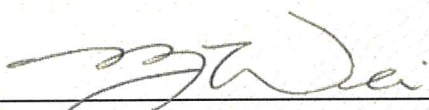
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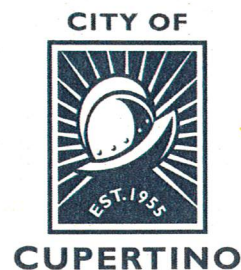
Presented to

Ansh Thakkar

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"A Raspberry Pi based automatically maintained and
monitored Hydroponics system."


Hung Wei
Mayor




Certificate of Recognition

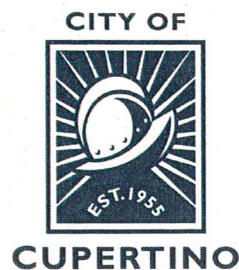
Presented to

Anusha Chittari

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Health Coach: a chatbot catering dietary and exercise recommendations
to those with pre-diabetic and diabetic conditions."


Hung Wei
Mayor



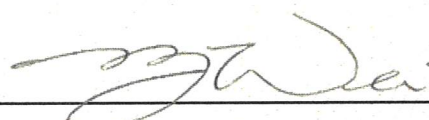
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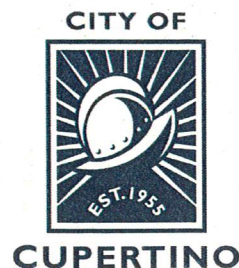
Presented to

Brian Chen

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"First Identification of Cratonic Upper-Mantle Earthquakes in Canada."


Hung Wei
Mayor



Certificate of Recognition

Presented to

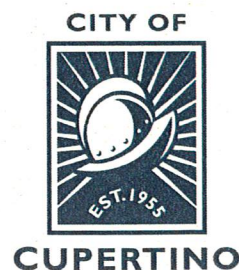
Christopher Sun

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Geocentric Pose Analysis of Satellite Imagery Using Deep Learning."

A handwritten signature in black ink, appearing to read "Hung Wei", is written over a horizontal line.

Hung Wei
Mayor




Certificate of Recognition

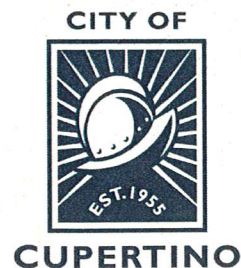
Presented to

Daniel Lin

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"A method to simplify AgZn alloy IR refractive index calculation."


Hung Wei
Mayor



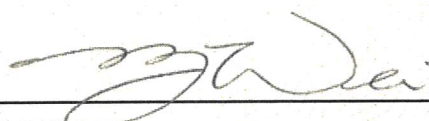
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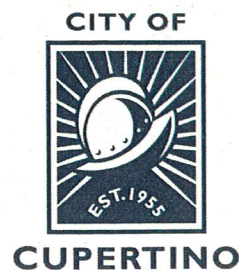
Presented to

Edwin Li

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Design and construction of a dry food dispenser
for disabled people to eat easily."


Hung Wei
Mayor



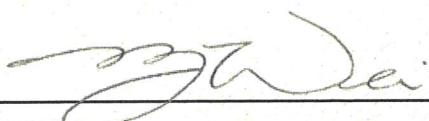
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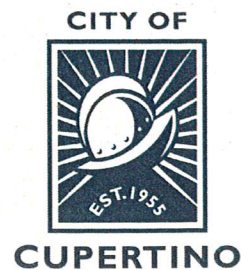
Presented to

Emily Kwan

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"ReefAtlas: A Novel Machine Learning Model to Predict
and Map Coral Reef Bleaching."


Hung Wei
Mayor



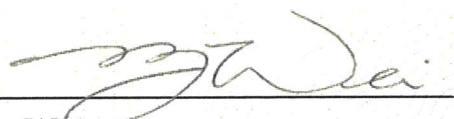
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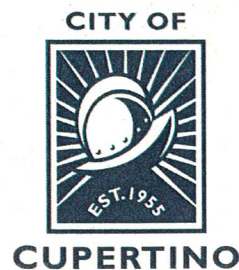
Ethan Liu

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"The Effect of Iron in Drinking Water as a Potential Inducer of Cataracts."



Hung Wei
Mayor




Certificate of Recognition

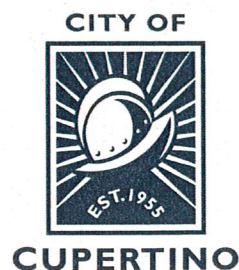
Presented to

Gaurvik Paul

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Profiling ACE2 receptor diversity to uncover
novel SARS-CoV-2 animal reservoirs."


Hung Wei
Mayor



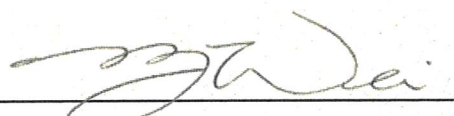
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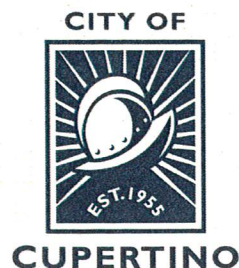
Presented to

Hankyu Koo

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Portable Refrigerator for Transporting COVID Vaccine."


Hung Wei
Mayor



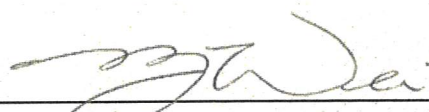
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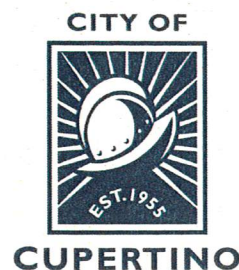
Presented to

Iniyaa Suresh

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"The effect of Lactobacillus Acidophilus on glucose intolerance induced
by artificial sweeteners in Drosophila Melanogast."


Hung Wei
Mayor



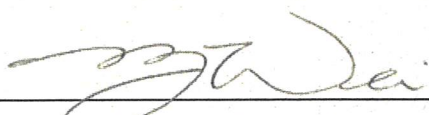
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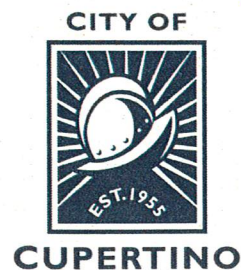
Presented to

Ishani Das

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"An Artificial Intelligence (AI) based Decision Support Tool
to assist doctors with patient diagnosis and treatment."


Hung Wei
Mayor



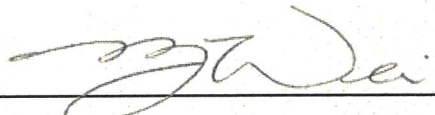
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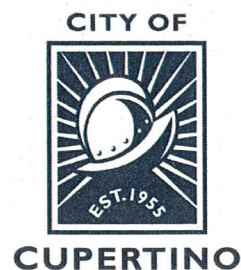
Presented to

Jai Sharma

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Geocentric Pose Analysis of Satellite Imagery Using Deep Learning."


Hung Wei
Mayor



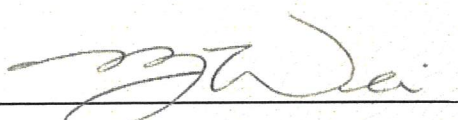
Certificate of Recognition

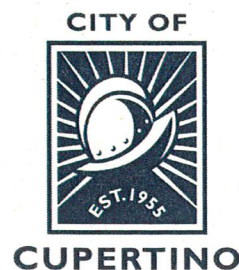
Presented to

Jonathan Szeto

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"A Cost-Effective Method Using Ash to Improve the Efficacy
of Oil Spill Bioremediation with *Bacillus subtilis*."


Hung Wei
Mayor



Certificate of Recognition

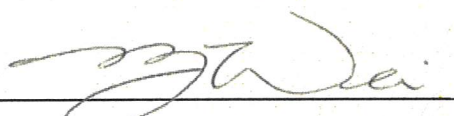
Presented to

Krishiv Bhatia

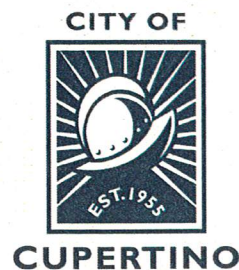
February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project

"Voice-interactive kitchen helper robot for the visually impaired and handicapped."



Hung Wei
Mayor



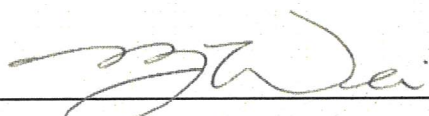
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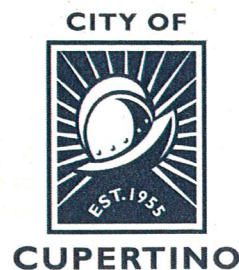
Presented to

Milind Maiti

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Geocentric Pose Analysis of Satellite Imagery Using Deep Learning."


Hung Wei
Mayor



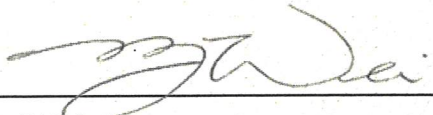
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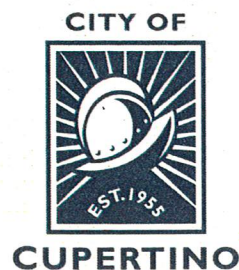
Presented to

Mridula Srinivasan

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Using *Drosophila Melanogaster* to Model the Effects of
Helianthus Annuus on Amyotrophic Lateral Sclerosis (ALS)."


Hung Wei
Mayor



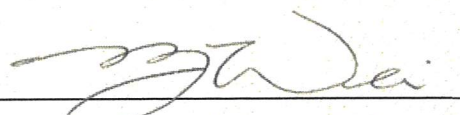
Certificate of Recognition

Presented to

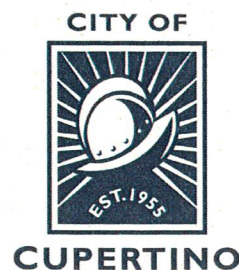
Nidhya Shivakumar

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Real-Time Analysis of Aerial Images Using Deep Learning
to Identify Critical Areas in Natural Disasters."



Hung Wei
Mayor



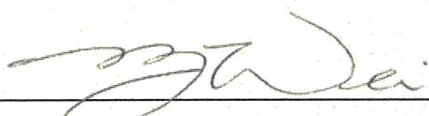
Certificate of Recognition

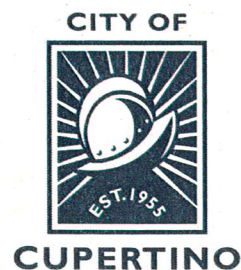
Presented to

Orchita Chakraborty

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Protecting Coral Reefs from Oil Spills using a Bio-inspired Underwater ROV
with Chitosan and Unified Google Earth Model."


Hung Wei
Mayor



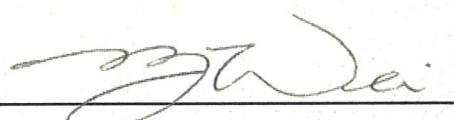
Certificate of Recognition

Presented to

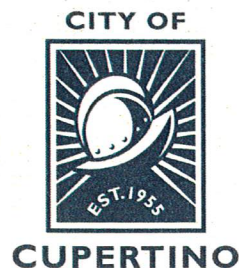
Pranav Amarnath

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"U.S. Pollution: Analyzing Air Quality from 4 Major Pollutants Since 2000."



Hung Wei
Mayor



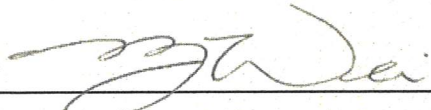
Certificate of Recognition

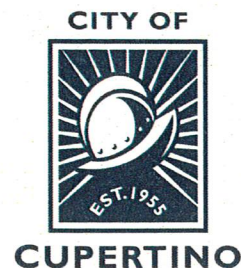
Presented to

Praneel Shah

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"The Bio W.H.E.B: A Low-Cost Device For On-Site
Resource Production On Future Lunar Habitats."


Hung Wei
Mayor



Certificate of Recognition

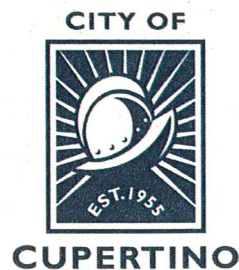
Presented to

Raymond Feng

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"An improved algorithm to generate support structure
for 3D printing overhangs."

Hung Wei
Mayor



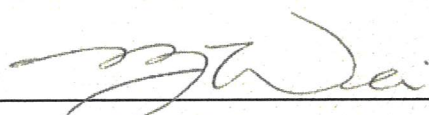
Certificate of Recognition

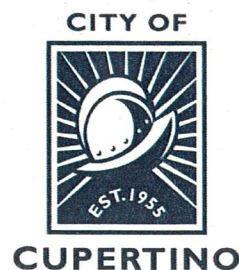
Presented to

Rishab Perati

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Predictive Modelling using Urinary Biomarkers
for Early Detection of Pancreatic Cancer."


Hung Wei
Mayor



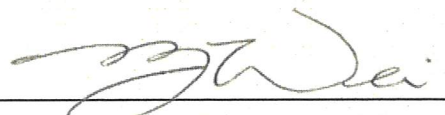
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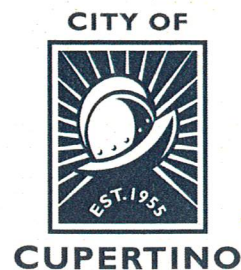
Presented to

Riya Abiram

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Investigating the Causes of Structural Alterations in Human Cancer."


Hung Wei
Mayor



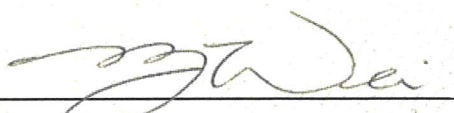
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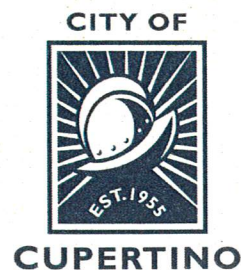
Presented to

Rory Hu

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"The Effects of Pesticides, Caffeine & Tea Polyphenols on the
Visual and Olfactory Learning and Memory of the Honey Bee."


Hung Wei
Mayor



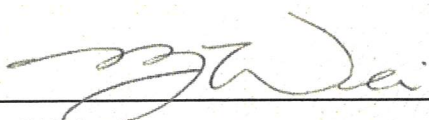
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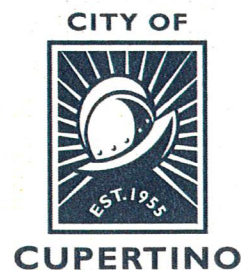
Presented to

Samhita Srivatsan

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Projecting the Urban Heat Island Effect Using
Historical Climate Trends and Land Use-Land Cover."


Hung Wei
Mayor



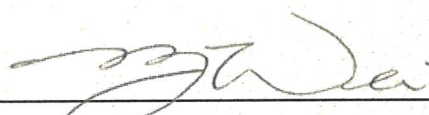
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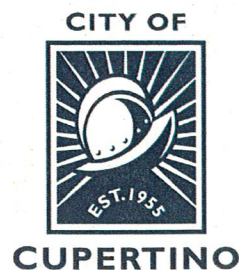
Presented to

Shridhula Srinivasan

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Using *Drosophila Melanogaster* to Model the Effects of
Helianthus Annuus on Amyotrophic Lateral Sclerosis (ALS)."


Hung Wei
Mayor



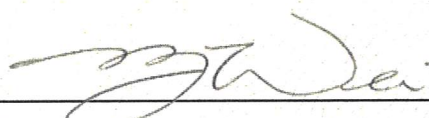
Certificate of Recognition

Presented to

Siddharth Navale

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Determining Food Spoilage Using a Regression Model of Byproducts
from Enzymatic Breakdown of Fats and Proteins."


Hung Wei
Mayor




Certificate of Recognition

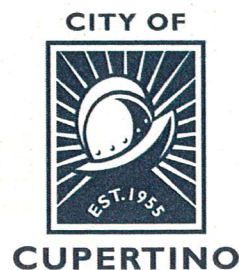
Presented to

Sneha Muppalla

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Detecting Deepfakes Using Machine Learning on Audio to
Prevent Misinformation that has a Harmful Impact on Humanity."


Hung Wei
Mayor



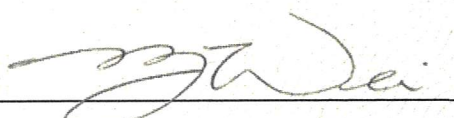
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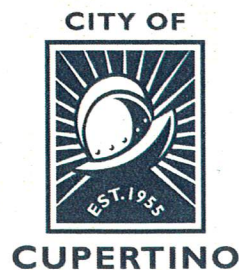
Presented to

Sonny Lowe

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Detecting, Charting, and Predicting Tent Cities Using
Satellite Imaging and YOLO recognition algorithms."


Hung Wei
Mayor



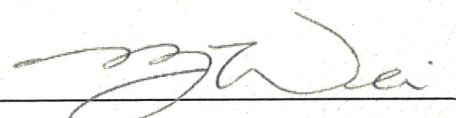
Certificate of Recognition

Presented to

Yashnil Saha

February 21, 2023

in recognition of your performance in the Santa Clara County
2022 Synopsys Championship Science Fair with your project
"Automating Human Sleep Staging Analysis from Polysomnographic Recordings
with a Discrete Hidden Markov Predictive Model."


Hung Wei
Mayor



CITY OF CUPERTINO

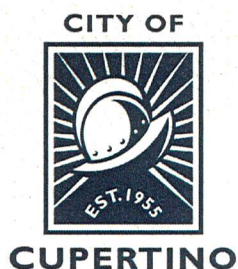
Agenda Item

23-12062

Agenda Date: 2/21/2023
Agenda #: 2.

Subject: Consider a proclamation recognizing the Wafu School of Ikebana

Present proclamation recognizing the Wafu School of Ikebana



Proclamation

- WHEREAS, The City of Cupertino wishes to recognize the Wafu School of Ikebana and its exquisite art form that invokes a sense of peace and beauty to the viewer; and
- WHEREAS, The school is celebrating the 50th anniversary of the California Chapter of the Wafu School of Ikebana two years late, as the celebration was delayed due to the COVID-19 pandemic; and
- WHEREAS, In celebration of the 50th anniversary of the California chapter, a delegation of well-known artists from Japan's Wafu Ikebana School headquarters in Tokyo attended and participated in the 2020 flower show exhibition; and
- WHEREAS, Ikebana has a rich history dating back 1,500 years and is a disciplined art form that involves creating inner harmony with the world to achieve a closeness with nature; and
- WHEREAS, The founding for the California chapter was in 1970 by Mrs. Fusako "Seiga" Hoyrup of Cupertino, and under her direction and training, the California chapter has grown from a small group of students to hundreds of dedicated and artistically accomplished members.
- THEREFORE, I, Mayor Hung Wei, and the Cupertino City Council do hereby proclaim and recognize the

Wafu School of Ikebana

in celebration of its 50th anniversary and recognize the dedicated teachers who instruct the next generation of students in the art of Ikebana to preserve this highly artistic art form.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Cupertino to be affixed this Tuesday, February 21, 2023.

Hung Wei
Mayor



CITY OF CUPERTINO

Agenda Item

23-12023

Agenda Date: 2/21/2023
Agenda #: 3.

Subject: Consider a proclamation recognizing Mrs. Fusako “Seiga” Hoyrup, a principal instructor of the Wafu School of Ikebana

Present proclamation recognizing Mrs. Fusako “Seiga” Hoyrup, a principal instructor of the Wafu School of Ikebana



Proclamation

WHEREAS, The City of Cupertino wishes to recognize Fusako “Seiga” Hoyrup, a principal instructor of the Wafu School of Ikebana and founder and president of the California chapter, who has devoted over 50 years to studying and teaching Ikebana; and

WHEREAS, She is celebrating the 50th anniversary of the establishment of the California chapter two years late, as the celebration was delayed in 2020 due to the COVID-19 pandemic; and

WHEREAS, Mrs. Hoyrup has been affiliated with the Wafu School of Ikebana since 1957 and has studied under the tutelage of the late Wafu School headmaster, Wafu Teshigahara, before relocating to the United States; and

WHEREAS, She holds a Shukan Degree in Ikebana, which is the highest achievement in Wafu School, and has taught and mentored thousands of students during her 50 plus years of Ikebana teaching; and

WHEREAS, Mrs. Hoyrup has also been recognized with numerous awards by the City of Cupertino, Santa Clara County, California Legislature Assembly, and the Fremont Union High School District; and

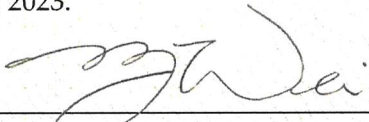
WHEREAS, For her contributions to the growth of Japanese culture through Ikebana, Mrs. Hoyrup is also a recipient of the 2019 Spring Conferment of Japanese Decorations and received the Order of the Rising Sun, Gold, and Silver Rays from the Emperor of Japan.

THEREFORE, I, Mayor Hung Wei, and the Cupertino City Council do hereby proclaim and recognize

Fusako “Seiga” Hoyrup

as a dedicated teacher who instructs the next generation of students in the art of Ikebana to preserve this highly artistic and technical art form.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Cupertino to be affixed this Tuesday, February 21, 2023.


Hung Wei
Mayor



CITY OF CUPERTINO

Agenda Item

23-12031

Agenda Date: 2/21/2023
Agenda #: 4.

Subject: Consider approval of the January 25 City Council minutes (continued from February 7)

Approve the January 25 City Council minutes



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Wednesday, January 25, 2023

SPECIAL MEETING

At 4:00 p.m., Mayor Hung Wei 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 Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen and Kitty Moore. Absent: none.

STUDY SESSION

1. Subject: Consider adopting Cupertino City Council Procedures Manual, including a new Ceremonial Correspondence Policy (Continued from January 17, 2023)
Recommended Action: Provide input regarding Council procedures and approve Resolution No. 23-021 adopting Cupertino City Council Procedures Manual, including a new Ceremonial Correspondence Policy
Presenter: Christopher Jensen, City Attorney

Written communications for this item included a staff presentation, City Council Procedures Manual - Supplemental Staff Report with Amended Attachment A, and emails to Council.

City Attorney Christopher Jensen gave a presentation.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period and the following people spoke.

Peggy Griffin opposed taking action at a study session and supported modifications to the draft procedures manual. (Submitted written comments).

Jennifer Griffin supported modifications to the draft procedures manual.

Lisa Warren opposed taking action at a study session and supported modifications to the draft procedures manual.

Rhoda Fry opposed taking action at a study session and supported modifications to the draft procedures manual.

Donna Austin supported the draft procedures manual.

Louise Saadati supported the draft procedures manual.

Danessa Techmanski opposed taking action at a study session and supported modifications to the draft procedures manual.

Mayor Wei closed the public comment period.

Council took straw votes on whether to incorporate the suggested Councilmember revisions into the proposed Procedures Manual. Items with three or more votes were incorporated.

<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
1.1 (Moore) Purpose. Delete "and members of the public."	No	Yes	No	No	No	Noes (4)
1.3 (Chao) Brown Act. Add a new Section 1.2 that reads as follows: "Principle. The City Council maintains control as the governing body. This manual ensures free and fair access to the flow of any information relative to the operation of the City and free and fair access to public meetings."	No	Yes	No	Yes	No	Noes (3)
2.1 (Moore) Selection of Mayor and Vice Mayor. Delete: "The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor."	No	Yes	No	No	No	Noes (4)
2.2 (Mohan) Removal of Mayor and Vice Mayor. Add "Removal for cause shall mean removal of a Councilmember because of such member's (a) willful and continued failure substantially to perform their duties, (b) conviction for, or guilty plea to, a felony, or a crime involving moral turpitude, (c) abuse of illegal drugs or other controlled substances or habitual intoxication, or (d) other illegal activities. The removal should proceed with a formal warning, which states with proven evidence of the member's failure to perform their duties and proposed corrective measures.."	Yes	No	Yes	Yes	Yes	Ayes (4)

City Council

Minutes

January 25, 2023

<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
3.1 (Chao) Replace Section 3.1 with the following: "It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council. The purpose and scope of each standing or ad hoc committee should be stated when it is formed and re-stated when councilmembers are appointed to the committee at a regular meeting. <ul style="list-style-type: none"> The City Manager shall prepare a report to Council about the anticipated time commitment required for staff to assist the Ad Hoc Committee. Information: The scope, membership, time of creation and estimated number of meetings for each Ad Hoc Committee shall be posted to the City Council website. Termination: A majority of the Council may vote to terminate any Ad Hoc Committee following a written report by the committee. Ad Hoc Committees do not constitute legislative bodies and are not subject to the requirements of the Brown Act. Standing committees that have a continuing or indefinite jurisdiction are subject to the Brown Act." 	No	Yes	No	Yes	No	Noes (3)
3.3 (Moore) Reporting. "Council committee and subcommittee members are to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing, <u>whenever a recommendation is made to the Council.</u> "	No	Yes	Yes	No	No	Noes (3)

Council recessed from 5:55 p.m. to 6:00 p.m.

<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
4.2 (Wei) Attendance at Council Meetings. <u>Staff shall provide the commission with advance notice for the commission to select a member to attend the City Council meeting.</u>	Yes	Yes	Yes	Yes	Yes	Ayes (5)
4.2 (Moore) Attendance at Council Meetings. At least one commission member, <u>preferably the Chair or Vice Chair,</u> must attend City Council meetings when the commission has an item of interest on the Council agenda, so as to be available to answer Council	Yes	Yes	Yes	Yes	Yes	Ayes (5)

City Council

Minutes

January 25, 2023

questions.						
<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
4.4 Appointment. (Multiple) "...Former Councilmembers are not eligible <u>for appointment to service on</u> any commission or committee within four years of having served on the City Council.	No	No	-	-	No	Noes (3)
4.4 (Chao) Delete the last sentence "Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council."). Add: "City staff should report communications from former Councilmembers and former commissioners on issues related to City business through phone calls or in-person communications."	No	Yes	No	Yes	No	Noes (3)
4.4 (Moore) "... <u>Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council. Commissioners and committee members shall not be employees of the City or companies which the City contracts with, or employees of subcontracted companies.</u> "	No	Yes	No	Yes	No	Noes (3)
4.5 (Staff) Removal. The City Clerk shall remove commission or committee members for failure to comply with attendance policies adopted in the Commission and Committee Handbook <u>Commissioner's Handbook</u> .	Yes	Yes	Yes	-	Yes	Ayes (4)
4.5 (Chao) "The City Clerk shall <u>remove inform the Council to consider removal</u> of commission or committee members for failure to comply with attendance policies adopted in the Commission and Committee Handbook..."	No	-	No	Yes	No	Noes (3)
4.6 (Staff) Undue Influence on Commissioners. Delete and commissioners" from the last sentence of Section 4.6.	Yes	Yes	Yes	Yes	-	Ayes (4)
4.6 (Moore) Individual Councilmembers and commissioners shall have the right to attend meetings of <u>Cupertino</u> commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations.	Yes	Yes	Yes	Yes	-	Ayes (4)
5.1 (Moore) Attendance. <u>Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if five or more regular meetings are missed.</u>	Yes	Yes	Yes	Yes	Yes	Ayes (5)
5.2 (Moore) Correspondence. Official correspondence from any member of Council shall be provided to all members of Council."	No	Yes	No	-	No	Noes (3) Staff to review

City Council

Minutes

January 25, 2023

						process
<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
5.2 (Chao) Add staff recommendation and urgent correspondence will be added to Consent Calendar on next Council agenda for public information.	Yes	-	No	Yes	No	Staff to review process
5.3 (Chao) Regional Bodies. The Mayor makes the recommendation which is then approved by the Council.	No	-	No	Yes	No	Noes (3)
5.3 (Moore) "Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or <u>and</u> written reports to the Council"; and add the following: The Council representative shall provide a written report to Council consistent with Section 3.3.	No	Yes	No	-	No	Noes (3)
5.7 (Staff) Council Training. New members must receive the training within their first year of service <u>and shall comply with ongoing training requirements imposed by state law.</u> Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County or , by completing online a state-approved public service ethics education program, <u>or through a state-approved training which may be provided at a conference attended by the member.</u>	Yes	Yes	-	Yes	Yes	Ayes (4)
5.8 Mayor's Initiative Budget. Keep this section.	Yes	No	Yes	No	Yes	Ayes (3)
<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
6.6 (Staff/Chao) Councilmember Access to Information. <u>The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.</u>	Yes		Yes		Yes	Ayes (3)
<u>6.6 (Chao/Moore) The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed. No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.</u>	-	Yes	-	Yes	-	-
7.1 (Wei) Future Agenda Items: "The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items <u>that are outdated or obsolete,</u> from the list of future agenda items. <u>Any item Outdated or obsolete items</u> may be removed for the future agenda items list by a majority vote of the City Council. <u>The City Manager may ask Council to</u>	No	-	No	No	No	Noes (4)

City Council

Minutes

January 25, 2023

<u>reaffirm that items remain on the future agenda items list with the support of two councilmembers.</u>						
7.1 (Multiple) Delete the sentence: Any item may be removed for the future agenda items list by a majority vote of the City Council."	No	-	No	No	No	Noes (4)
7.1 (Chao) Adopt a Council procedures manual that follows the "Colleagues Memo" process used by the City of Palo Alto.	No, add to future agenda	No, add to future agenda	No, add to future agenda	No, add to future agenda	No, add to future agenda	Noes (5) add to future agenda
<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
7.1 Future Agenda Items: Discuss this section further on a future agenda.	-	Yes	-	Yes	Yes	Ayes (3)
7.5 (Staff) Agenda Publication. Agenda packets <u>for a regular meeting</u> should be published and delivered to Councilmembers no later than the Thursday <u>Wednesday</u> prior to a Tuesday Council meeting.	Yes	No	Yes	Yes	Yes	Ayes (4)
7.6 (Chao) Supplemental Materials. Supplemental reports <u>and materials</u> received by the City Clerk after the agenda is published but before 12:00 p.m. on the Monday prior to the City Council meeting shall be published and delivered to Councilmembers at 5:00 p.m. on Monday. Supplemental reports <u>and materials</u> received by the City Clerk after 12:00 p.m. on Monday but before 4:00 p.m. on the day of the meeting shall be published and delivered to Councilmembers prior to the Council meeting. <u>Council questions and staff-prepared responses will be included in supplemental materials provided to Council and the public.</u>	Yes	Yes	Yes	Yes	Yes	Ayes (5)
8.2 (staff) Seating of Councilmembers. For meetings held in Council Chambers at Community Hall, the Mayor shall be seated at the center of the dais and the Vice Mayor shall be seated immediately to the Mayor's left. The remaining Councilmembers shall be seated in order of seniority as follows: (1) the seat immediately to the right of the Mayor; (2) the last seat on left side of the dais; (3) the last seat on the right side of the dais. Seniority shall be based on the number of consecutive years of service on the City Council. If two members have equal seniority based on service, the member with the higher vote count in their most recent election is considered to have higher seniority.	Yes	Yes	Yes	Yes	Yes	Ayes (5)
8.4 (Chao) Order of Business. 1. <u>Call to Order</u> • <u>Pledge of Allegiance</u> • <u>Roll Call</u> • <u>Closed Session Report</u>	Yes	Yes	Yes	Yes	Yes	Ayes (5)

City Council

Minutes

January 25, 2023

<ul style="list-style-type: none"> • <u>Ceremonial Items</u> • <u>Postponements and Orders of the Day</u> • <u>Oral Communications (public comment on non-agenda matters)</u> • <u>Consent Calendar</u> • <u>Public Hearings</u> • <u>Action Calendar</u> • <u>Items Removed from the Consent Calendar</u> • <u>Council Reports and Comments</u> • <u>City Manager Report</u> • <u>Oral Communications (continued)</u> • <u>Informational Items</u> • <u>Council and Staff Comments and the Future Agenda Items</u> <p>17. <u>Adjournment</u></p>						
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Council recessed from 8:44 p.m. to 8:50 p.m.

<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
8.5.1 (Chao) Adding Item to Consent Calendar. The Mayor, the City Manager, the City Attorney, or the City Clerk may recommend that items appearing on the agenda be placed on the consent calendar for action by the City Council. In addition, any item may be placed on the consent calendar by a majority vote of the City Council. All items placed on the consent calendar shall appear together on the agenda with the recommendation as to the action to be taken by the City Council with respect to such item. Upon the motion of any member of the City Council, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received the action recommended. Items may be removed from the consent calendar only by a member of the City Council.	No	Yes	Yes	Yes	Yes	Ayes (4)
8.5.2 (Fruen/Wei) Removing Item from Consent Calendar. Revise to allow Councilmembers to remove at most one item from the consent calendar without providing notice before the Council meeting begins. <u>Items may be removed from the consent calendar only by a member of the City Council.</u> Any member of the City Council who would like to remove any item from the consent calendar shall notify the City Manager and the City Clerk prior to the meeting; <u>provided, however, each Councilmember may remove one item from the consent calendar without providing notice before the Council meeting begins.</u> Although members of the City Council are encouraged to ask questions and share concerns about the agenda item	Yes	No	Yes	Yes	Yes	Ayes (4)

City Council	Minutes				January 25, 2023	
with staff before the meeting, they are not required to do so. Items removed from the consent calendar shall be placed at the end of the agenda for consideration.						
8.5.2 (Moore) Delete Section 8.5.2.	No	Yes	No	No	No	Noes (4)
8.6 (Wei) Follow as recommended by staff to limit public comment up to 10 minutes if the speaker is representing five or more people and all other procedures are the Mayor's discretion. No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting.	-	-	-	-	-	-
<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
8.6 (Moore) No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting.	-	-	-	-	-	-
8.6 (Fruen) Public Comment. Remove the 10-minute limit on total time for public comment by a single member of the public and to increase the length of time members of the public have to raise their hand or submit a blue card to speak to 9 minutes or prior to the close of public comment.	Yes	Yes	Yes	-	Yes	Ayes (4)
8.6 (Chao) Support a 5-minute time limit but add a future agenda item on a better method of handling both virtual in-person speaker cards.	-	-	-	Yes	-	-
8.9.1 (Staff) Ex Parte Contacts. Councilmembers shall disclose any ex parte contacts prior to deliberation on a quasi-adjudicative matter <u>ex parte communications prior to deliberation on a quasi-judicial matter. A quasi-judicial matter is typically a hearing in which the City Council hears evidence and makes findings of fact to reach a conclusion based on the applicable law. An ex parte communication occurs when a Councilmember hearing a quasi-judicial matter communicates directly or indirectly with any person or party in connection with a matter before the Council, without notice and the opportunity for all parties to participate.</u>	Yes	Yes	Yes	Yes	Yes	Ayes (5)
8.9.3 (Wei) Council Questions and Deliberations. Add "... <u>The Mayor may allow additional time for deliberation where appropriate.</u> "	-	Yes	-	Yes	-	-
8.9.3 (Fruen) Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given 5 minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded,	Yes		Yes	-	Yes	Ayes (3)

City Council

Minutes

January 25, 2023

<p>any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized should limit their time to 5 minutes. Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. The Mayor may allow additional time for questions where appropriate. This rule shall displace any conflicting rule in the City's adopted rules of procedure.</p>						
<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
8.10 (Fruen) Meeting Length. If a meeting continues past 11:00 p.m., it shall end at 11:30 p.m. All meetings shall be adjourned at 11:30 p.m. unless by a <u>2/3</u> -vote of a <u>majority</u> of the City Council suspends this rule and Council votes affirmatively to extend the meeting past 11:30 p.m.	Yes	Yes	-	Yes	Yes	Ayes (4)
<p>8.11 (Moore) Public Hearing Procedures. The order of proceeding where there is a public hearing item (non-appeal items) before the City Council shall be as follows:</p> <ol style="list-style-type: none"> 1. Open Public Hearing 2. Staff Report (<u>preferably</u> ≤ 10 minutes) 3. Applicant's presentation (where applicable) (<u>preferably</u> ≤ 8 minutes) 4. Questions from the Council 5. Public comment 6. Applicant's response to public comment (where applicable) (<u>preferably</u> 2 minutes) 7. Close Public Hearing and vote <p>Where the public hearing involves an appeal of a decision to the City Council, the order of proceeding shall be as follows:</p> <ol style="list-style-type: none"> 1. Open Public Hearing 2. Staff Report (<u>preferably</u> ≤ 10 minutes) 3. Appellant's statement (<u>preferably</u> ≤ 8 minutes) 4. Applicant's statement (where applicable) (<u>preferably</u> ≤ 8 minutes) 5. Questions from the Council 	Yes	Yes	Yes	Yes	Yes	Ayes (5)

City Council	Minutes				January 25, 2023	
6. Public comment 7. Applicant's response to public comment (where applicable) (<u>preferably</u> 2 minutes) 8. Appellant's response to public comment (<u>preferably</u> 2 minutes) 9. Close Public Hearing 10. City Council discussion and vote						
8.12 (Staff) City Council Recess Period. The City Council recess period shall begin the first Tuesday in August at <u>12:00 a.m.</u> and end the Tuesday following Labor Day at <u>12:00 a.m.</u> During any recess period, the City Manager is authorized to take such ministerial actions for matters of operational urgency, including such emergency actions as are necessary for the immediate preservation of the public peace, health, or safety, as would normally be taken by the City Council during the period of recess, except for those duties specifically reserved to the Council by law. This authority extends throughout the period of recess established by the City Council and includes the authority to execute agreements and make expenditures necessary for the exigent operational matters. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required to ratify the actions of the City Manager. <u>Nothing in this Section prevents the City Council from calling a special meeting during the recess period.</u>	Yes	Yes	-	Yes	-	Ayes (3)
<u>Proposed Section Revision</u>	<u>Fruen</u>	<u>Moore</u>	<u>Mohan</u>	<u>Chao</u>	<u>Wei</u>	<u>Vote</u>
8.13 (Chao) Add a new paragraph to Section 8 that reads as follows: Study Sessions. Study Sessions are meetings during which the Council receives information about City business in an informal setting. The informal study session setting is intended to encourage in depth discussion and detailed questioning and brainstorming by Council on issues of significant interest including City policy matters, zoning applications, and major public works projects. The Council may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring matters back for future Council consideration as no action can be taken at a study session. The Decorum rules still apply to the behavior of the Council and public.	No	-	No	-	No	Noes (3)
10. (Moore) Revise "2/3 vote of the Council"" to state	-	Yes	Yes	Yes	-	Ayes

City Council	Minutes					January 25, 2023
<u>" three votes of the Council"</u>						(3)
5.5 (Staff) Ceremonial Correspondence. Remove policy and bring back for Council consideration at a later date.	-	-	-	-	-	-

Chao moved to accept Council's straw vote recommendations and direct staff to take Council's input and return with a revised Council Procedures at the next regular City Council meeting; and bring back the future agenda items that were discussed. There was no second and Chao's motion was not considered.

The following items will be provided to Council separately:

- Current Mayor's Initiative Budget resolution and if Council desires to update the current resolution, this can be done at a future date.
- quarterly report on the To-Be-Determined (TBD) list of draft future agenda items
- email to Council on exact times that Council questions will be provided as supplemental materials/desk items
- email to Council on what qualifies as a Consent Calendar agenda item
- include examples of study session policies from other cities when future revisions are discussed for the adopted council procedures
- further discussion on the Colleagues Memo Policy

Wei moved and Chao seconded to provide direction to the City Manager and City Attorney to consolidate the straw vote recommendations and return to Council with a revised Procedures Manual that reflects the results of the straw poll votes, for consideration at the next regular City Council meeting; and provide more information to Council on the additional items discussed prior to adding to a future City Council agenda. The motion carried with Moore voting no.

2. Subject: Study Session to consider modifying Municipal Code Title 2 regarding compositions and responsibilities of existing Commissions and Committees (Continued from January 17, 2023)

Recommended Action: Direct staff to proceed with ordinance amendment to consolidate existing Commissions and Committees

Presenter: Pamela Wu, City Manager

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

City Manager Pamela Wu gave a presentation.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period and the following people spoke.

Peggy Griffin opposed consolidating the Environmental Review Committee (ERC), Design Review Committee (DRC), Legislative Review Committee (LRC), and Economic Development Committee (EDC).

Jennifer Griffin opposed consolidating the ERC, LRC, and other Committees.

Lisa Warren opposed discontinuing the City Hall Renovation Subcommittee and consolidating the ERC, DRC, LRC, and EDC.

Donna Austin supported consolidating existing Commissions and Committees and the staff recommendation.

Rhoda Fry opposed consolidating the ERC and DRC and delegating the EDC and LRC.

Louis Saadati supported consolidating existing Commissions and Committees and the Subcommittees.

Housing Commissioner Tessa Parish (representing self) opposed consolidating the ERC and DRC and delegating the LRC and EDC.

Mayor Wei closed the public comment period.

Fruen moved and Mohan seconded the staff recommendation to:

- 1) Consolidate certain Commissions and Committees; and
- 2) Discontinue all previously formed subcommittees; and
- 3) Proceed with preparation of necessary ordinance amendments.

Chao moved and Moore seconded a substitute motion to:

1. Combine the Environmental Review Committee (ERC) and Design Review Committee (DRC) into one committee but not merge with Planning Commission;
2. Remove the Legislative Review Committee (LRC);
3. Remove the Administrative Hearing Committee (AH) from the list;
4. Merge the Disaster Council with the City Council;
5. Retain the Economic Development Committee (EDC);
6. Follow the staff recommendation to discontinue the Subcommittees;
7. Follow the staff recommendation to proceed with preparation of necessary ordinance amendments.

The substitute motion failed with Chao and Moore voting yes.

Chao made a friendly amendment for staff to return with alternative suggestions for the current structure of the Economic Development Committee. (Fruen and Mohan accepted

the friendly amendment).

Moore moved and Chao seconded a second substitute motion to move the recommended action with the amendment to retain the Economic Development Committee as codified. The second substitute motion failed with Chao and Moore voting yes.

Final motion:

Fruen moved and Mohan seconded the staff recommendation to:

- 1) Consolidate certain Commissions and Committees; and
- 2) Discontinue all previously formed subcommittees; and
- 3) Proceed with preparation of necessary ordinance amendments; and
- 4) Provide direction for staff to return with alternative suggestions for the current structure of the Economic Development Committee.

The motion carried with Moore voting no.

ADJOURNMENT

At 11:59 p.m., Mayor Wei adjourned the Special City Council Meeting.

Kirsten Squarcia, City Clerk



CITY OF CUPERTINO

Agenda Item

23-12032

Agenda Date: 2/21/2023
Agenda #: 5.

Subject: Consider ratifying Accounts Payable for the period ending November 13, 2022 (continued from February 7)

Adopt Resolution No. 23-023 ratifying Accounts Payable for the period ending November 13, 2022



ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3220 • FAX: (408) 777-3109
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: February 21, 2023

Subject

Consider ratifying Accounts Payable for the period ending November 13, 2022

Recommended Action

Adopt Resolution No. 23-XXX ratifying Accounts Payable for the period ending November 13, 2022

Reasons for Recommendation

As part of the January 17, 2023 City Council Meeting, staff brought forward a report on November accounts payable. Staff subsequently reviewed the accounts payable provided and discovered that one week had been missed in the reporting. Staff further reviewed FY 2022-23 accounts payable presented to Council to date to determine that no other weeks are missing. No missing reports were found as all reports have been brought forward to Council.

All four weeks of the November accounts payable reports were included in the January 23, 2023 Audit Committee meeting.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

California Environmental Quality Act

No California Environmental Quality Act impact.

Prepared by: Kristina Alfaro, Director of Administrative Services and City Treasurer

Approved for Submission by: Pamela Wu, City Manager

A – Draft Resolution 11.13.22

B – Weekly AP Payment Register for the Period Ending 11.13.22

C – Subsequent Responses to Questions

RESOLUTION NO. 23-XXX

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
RATIFYING CERTAIN CLAIMS AND DEMANDS PAYABLE IN THE
AMOUNTS AND FROM THE FUNDS AS HEREINAFTER DESCRIBED FOR
GENERAL AND MISCELLANEOUS EXPENDITURES FOR THE PERIOD
ENDING NOVEMBER 13, 2022**

WHEREAS, the Director of Administrative Services or their designated representative has certified to accuracy of the following claims and demands and to the availability of funds for payment hereof; and

WHEREAS, the said claims and demands have been audited as required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby ratify the following claims and demands in the amounts and from the funds as hereinafter set forth in the attached Payment Register.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of February, 2023 by the following vote:

Vote Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Hung Wei, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	 _____ Date

Resolution No. 23-XXX

Page 2

CERTIFICATION

The Finance Manager hereby certifies to the accuracy of said records and to the availability of funds for payment.

CERTIFIED: 

Kristina Alfaro, Director of Administrative Services

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Main Account - Main Checking Account									
<u>Check</u>									
731381	11/10/2022	Open			Accounts Payable	ALHAMBRA	\$543.84		
	Invoice		Date	Description		Amount			
	21589707 102722		10/27/2022	Service Center - Employee Drinking Water		\$543.84			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$543.84			
731382	11/10/2022	Open			Accounts Payable	American Assured Security, Inc.	\$308.00		
	Invoice		Date	Description		Amount			
	49081		09/20/2022	Rental Security Services		\$308.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$308.00			
731383	11/10/2022	Open			Accounts Payable	AT & T	\$124.44		
	Invoice		Date	Description		Amount			
	5558-102822		10/28/2022	960 731-7142 555 8		\$124.44			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$124.44			
731384	11/10/2022	Open			Accounts Payable	Bowlmor Cupertino	\$3,197.27		
	Invoice		Date	Description		Amount			
	705-26965		11/15/2022	2022 Holiday Party - Bowlmor - remaining amount due		\$3,197.27			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$3,197.27			
731385	11/10/2022	Open			Accounts Payable	California Association of Code Enforcement Officer	\$100.00		
	Invoice		Date	Description		Amount			
	300016773		10/31/2022	CACEO Professional Membership Renewal		\$100.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$100.00			
731386	11/10/2022	Open			Accounts Payable	CINTAS CORP	\$3,436.71		
	Invoice		Date	Description		Amount			
	4135405307		10/25/2022	UNIFORMS SAFETY APPAREL		\$1,173.01			
	4133960415		10/11/2022	UNIFORMS SAFETY APPAREL		\$1,128.10			
	4133338449		10/04/2022	UNIFORMS SAFETY APPAREL		\$1,135.60			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$3,436.71			
731387	11/10/2022	Open			Accounts Payable	County of Santa Clara	\$10,465.00		
	Invoice		Date	Description		Amount			
	01 FY 2022		09/14/2022	Santa Clara County Weed Abatement Program fees		\$10,465.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$10,465.00			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
731388	11/10/2022	Open			Accounts Payable	County of Santa Clara -Office of the Sheriff	\$1,379,979.83		
	Invoice		Date	Description		Amount			
	1800083140		10/19/2022	LIVE SCAN - SEP 22		\$130.00			
	1800083351		11/02/2022	Advance for Law Enforcement Svs - NOV 22		\$1,379,849.83			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$1,379,979.83			
731389	11/10/2022	Open			Accounts Payable	ELIVATE	\$180.06		
	Invoice		Date	Description		Amount			
	8360026		10/31/2022	AEROBIC BAR RACK-H		\$180.06			
	Paying Fund			Cash Account		Amount			
	570 - Sports Center			570 100-100 (Cash & Investments Assets Operating Cash)		\$180.06			
731390	11/10/2022	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$8,297.00		
	Invoice		Date	Description		Amount			
	L0300547728		10/31/2022	Unemployment Insurance Benefit Charge Sept 30 2022 Q3		\$8,297.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$8,297.00			
731391	11/10/2022	Open			Accounts Payable	FEDEX	\$19.62		
	Invoice		Date	Description		Amount			
	7-929-15006		10/28/2022	FEDEX SERVICES - IT		\$19.62			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$19.62			
731392	11/10/2022	Open			Accounts Payable	Freyer & Laureta, Inc.	\$1,970.00		
	Invoice		Date	Description		Amount			
	22-460		08/16/2022	Memorial Park Pond Removal through 070122-073122		\$1,970.00			
	Paying Fund			Cash Account		Amount			
	280 - Park Dedication			280 100-100 (Cash & Investments Assets Operating Cash)		\$1,970.00			
731393	11/10/2022	Open			Accounts Payable	Got Gophers, Inc.	\$310.00		
	Invoice		Date	Description		Amount			
	36580		10/31/2022	Trees/ROW - Oct 2022 Mary Bridge		\$310.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$310.00			
731394	11/10/2022	Open			Accounts Payable	Government Finance Officers Association	\$150.00		
	Invoice		Date	Description		Amount			
	0271421		11/07/2022	Janet GFOA Membership 11/1/22-10/31/23		\$150.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$150.00			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
731395	11/10/2022	Open			Accounts Payable	Granite Rock Company	\$66,347.75		
	Invoice		Date	Description		Amount			
	1001582		10/31/2022	Trees/ROW - Memorial Park Mounds Removal		\$66,347.75			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$66,347.75			
731396	11/10/2022	Open			Accounts Payable	Griffin Structures Inc.	\$3,237.50		
	Invoice		Date	Description		Amount			
	GSI-CLEP-24		09/30/2022	Library Expansion Project through 09302022		\$962.50			
	GSI-CLEP-23		08/31/2022	Cupertino Library Expansion Project through 0831202		\$2,275.00			
	Paying Fund			Cash Account		Amount			
	420 - Capital Improvement Fund			420 100-100 (Cash & Investments Assets Operating Cash)		\$3,237.50			
731397	11/10/2022	Open			Accounts Payable	Hexagon Transportation Consultants, Inc.	\$5,917.50		
	Invoice		Date	Description		Amount			
	16058		11/03/2022	Lawson Middle School Feasibility Study through 10282022		\$5,002.50			
	16057		11/03/2022	Cupertino TIF Peer Review through 09232022		\$915.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$5,917.50			
731398	11/10/2022	Open			Accounts Payable	INTERSTATE BATTERY SYSTEM SAN JOSE INC.	\$677.62		
	Invoice		Date	Description		Amount			
	10304819		10/18/2022	Fleet - MTP-67R		\$134.54			
	70268814		10/25/2022	Fleet - MTP-T4		\$134.54			
	10305030		11/01/2022	Fleet - MTP65HD, MTP-78DT		\$269.09			
	10304683		10/11/2022	Fleet - MTP-65HD		\$139.45			
	Paying Fund			Cash Account		Amount			
	630 - Vehicle/Equip Replacement			630 100-100 (Cash & Investments Assets Operating Cash)		\$677.62			
731399	11/10/2022	Open			Accounts Payable	Interstate Sales	\$317.40		
	Invoice		Date	Description		Amount			
	11792		10/28/2022	Streets - Impact K 3-3" No Base, Impact Based Fixed, Tape		\$317.40			
	Paying Fund			Cash Account		Amount			
	270 - Transportation Fund			270 100-100 (Cash & Investments Assets Operating Cash)		\$317.40			
731400	11/10/2022	Open			Accounts Payable	KELLY-MOORE PAINT CO INC	\$379.70		
	Invoice		Date	Description		Amount			
	808-00000859260		10/24/2022	Facilities - City Hall Fascia Painting		\$379.70			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$379.70			
731401	11/10/2022	Open			Accounts Payable	Lori Baumgartner	\$180.50		
	Invoice		Date	Description		Amount			
	LoriB11012022		11/01/2022	CASQA Conference 10.23.22-10.26.22- travel reimbursements		\$180.50			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Paying Fund			Cash Account			Amount		
	230 - Env Mgmt Cln Crk Strm Drain			230 100-100 (Cash & Investments Assets	Operating		\$180.50		
				Cash)					
731402	11/10/2022	Open			Accounts Payable	Mahan and Sons Inc.	\$1,400.00		
	Invoice		Date	Description			Amount		
	1914		11/03/2022	Grounds - Oct 2022 Varian Park Maint.			\$1,400.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$1,400.00		
				Cash)					
731403	11/10/2022	Open			Accounts Payable	Miracle Playsystems Inc.	\$1,405.29		
	Invoice		Date	Description			Amount		
	F2022-0438		06/30/2022	Miracle Play Equipment Creekside Park			\$1,405.29		
	Paying Fund			Cash Account			Amount		
	420 - Capital Improvement Fund			420 100-100 (Cash & Investments Assets	Operating		\$1,405.29		
				Cash)					
731404	11/10/2022	Open			Accounts Payable	Mountain View Garden Center	\$93.74		
	Invoice		Date	Description			Amount		
	111543		10/26/2022	Trees/ROW - 2yd Top Soil			\$93.74		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$93.74		
				Cash)					
731405	11/10/2022	Open			Accounts Payable	NAPA AUTO PARTS	\$76.21		
	Invoice		Date	Description			Amount		
	765277		06/13/2022	Fleet - Ind Belt			\$8.56		
	782645		08/23/2022	Fleet - Connector			\$67.65		
	Paying Fund			Cash Account			Amount		
	630 - Vehicle/Equip Replacement			630 100-100 (Cash & Investments Assets	Operating		\$76.21		
				Cash)					
731406	11/10/2022	Open			Accounts Payable	Operating Engineers Local Union No. 3	\$1,515.08		
	Invoice		Date	Description			Amount		
	11042022		11/04/2022	Union Dues pp 10/22/22-11/4/22			\$1,515.08		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$1,515.08		
				Cash)					
731407	11/10/2022	Open			Accounts Payable	Otis Elevator Company	\$1,837.08		
	Invoice		Date	Description			Amount		
	100400947620		10/17/2022	Facilities - Sports Center Maintenance 11-1-22 to 10-31-2023			\$1,837.08		
	Paying Fund			Cash Account			Amount		
	570 - Sports Center			570 100-100 (Cash & Investments Assets	Operating		\$1,837.08		
				Cash)					
731408	11/10/2022	Open			Accounts Payable	PG&E	\$45,594.69		
	Invoice		Date	Description			Amount		
	0092-103122-0		10/31/2022	116367401 -Miller W/S N of Greenwood			\$18.25		
	0092-103122-1		10/31/2022	116367359 -Homestead and Heron, traffic control svc			\$63.99		
	0092-103122-2		10/31/2022	116367150 -Homestead and Wolfe Road, Sunnyvale			\$95.57		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
0092-103122-3			10/31/2022		116367155 -Homestead and Blaney, Cupertino Traffic Signal, Sunny		\$66.30		
0092-103122-4			10/31/2022		116367275 -Homestead and Tantau, Cupertino Traffic Signal, Sunny		\$91.62		
0092-103122-5			10/31/2022		116367013 -112017763 -11370 S Stelling Rd, Irrigation Control		(\$62.50)		
0092-103122-6			10/31/2022		116644889 19500 Pruneridge ave pole TP16660		\$6.57		
0092-103122-7			10/31/2022		1110161867 - Wolfe Rd @ Apple Campus Driveway		\$69.67		
0092-103122-8			10/31/2022		116367793 -101 Skyport Dr, DG A, San Jose, PGandE-Owned St/Highw		\$738.10		
0092-103122-9			10/31/2022		110958527 115145264 -Randy Lane & Larry Way-Streetlights		\$57.88		
0092-103122-10			10/31/2022		111736580 SF Cupertino 075		\$3.98		
0092-103122-11			10/31/2022		116367357 -N De Anza 188 FT N/Valley Green Dr, Irrig Controller		(\$62.25)		
0092-103122-12			10/31/2022		116367907 -S/W Corner Stelling and Green leaf, Traffic Signal		\$79.00		
0092-103122-13			10/31/2022		116367113 -Miller E/S 100N off Calle De Barcelona		\$78.22		
0092-103122-14			10/31/2022		116367836 -De Anza Blvd E/S S/O Lazaneo, Sprinkler Control		(\$69.00)		
0092-103122-15			10/31/2022		116367677 -De Anza and Lazaneo, Sprinkler System		(\$68.98)		
0092-103122-16			10/31/2022		116367025 -De Anza and Lazaneo, Traffic Signal		\$82.98		
0092-103122-17			10/31/2022		110659172 -N De Anza 455FT S/O Mariani Dr, Irrig Control		(\$65.54)		
0092-103122-18			10/31/2022		116367035 -De Anza Blvd and Mariani, Traffic Signal/Safety Lts		\$103.15		
0092-103122-19			10/31/2022		116367045 -De Anza Blvd and Hwy 280 S/Ramp, Traffic Signal		\$100.78		
0092-103122-20			10/31/2022		116367050 -NW Corner Stevens Crk, Traffic Signals		\$85.28		
0092-103122-21			10/31/2022		116367055 -Saich Wy and Stevens Crk NE Corner, Traffic Signal		\$68.75		
0092-103122-22			10/31/2022		116367060 -E37R0 Stevens Creek and De Anza Blvd, Traffic Signal		\$104.02		
0092-103122-23			10/31/2022		116367065 -Stevens Creek Blvd E/Saich Wy, Sprinkler Control		(\$68.39)		
0092-103122-24			10/31/2022		116367070 -Stevens Creek and Blaney Ave., Traffic Signal		\$95.52		
0092-103122-25			10/31/2022		116367075 -Vallco Pkwy and Perimeter Rd., Traffic Signals		\$67.90		
0092-103122-26			10/31/2022		116367090 -Wolfe and Vallco Pkwy, Traffic Signals		\$99.46		
0092-103122-27			10/31/2022		116367100 -E37H3 Wolfe and 280 SB Loc B, Traffic Signal		\$88.40		
0092-103122-28			10/31/2022		116367105 -Stevens Crk and Wolfe Rd, Traffic Signals		\$127.94		
0092-103122-29			10/31/2022		116367110 -SW Cor Stevens Crk and Portal, Traffic Signal		\$86.30		
0092-103122-30			10/31/2022		116367115 -Stevens Crk and Perimeter Rd, Traffic Control Signal		\$83.14		
0092-103122-31			10/31/2022		116367120 -Vallco Prky/Tantau Ave, Traffic Signal		\$95.25		
0092-103122-32			10/31/2022		116367125 -Stevens Crk and Tantau, Traffic Signals		\$88.46		
0092-103122-33			10/31/2022		116367130 -NW Corner Steven Crk and Torre, Traffic Signal		\$84.29		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
0092-103122-34			10/31/2022		116367782 -N/S Stevens Creek Blvd in front of 20301, Irrigation		(\$69.07)		
0092-103122-35			10/31/2022		116367001 -E37H4 Wolfe and Rte 280 NB Loc A		\$57.70		
0092-103122-36			10/31/2022		116367165 -S/E Wolfe-Pruneridge, Sprinkler Control and Traffic S		\$94.79		
0092-103122-37			10/31/2022		116367170 -Tantau Ave and Tandem D/W, Traffic Signal		\$90.04		
0092-103122-38			10/31/2022		116367175 -S/E Corner Pruneridge and Tantau, Traffic Controller		\$79.73		
0092-103122-39			10/31/2022		116367180 -Finch and Stevens Creek, Traffic Signals		\$96.36		
0092-103122-40			10/31/2022		116367185 -Wolfe Rd 500 Ft S/O Homestead, City/Sign Lighting		(\$44.22)		
0092-103122-41			10/31/2022		116367195 -Corner Miller and Phil Ln, Traffic Signal		\$68.23		
0092-103122-42			10/31/2022		116367200 -Homestead and De Anza Blvd, Traffic Signal/Dept Pub W		\$108.46		
0092-103122-43			10/31/2022		116367205 -Homestead Rd and Franco Ct, Traffic Signals		\$69.27		
0092-103122-44			10/31/2022		116367215 -N/Ramp De Anza Blvd, Traffic Signal		\$85.05		
0092-103122-45			10/31/2022		116367220 -Homestead Rd and Bluejay Rd, Traffic Signals		\$72.43		
0092-103122-46			10/31/2022		118426656 -WS Portal Btw Amhurst-Wheaton , Portal Prk Ltg, Prk L		\$119.99		
0092-103122-47			10/31/2022		114321565 116367416 -22601 Voss Ave		\$487.90		
0092-103122-48			10/31/2022		116367925 -22601 Voss Ave, Outdoor Lighting-MV Park		(\$54.09)		
0092-103122-49			10/31/2022		116367245 -Stevens Creek Blvd and Janice Ave, Sprinkler Control		(\$61.47)		
0092-103122-50			10/31/2022		116367269 -Cor/Lucille and Randy Ln, Sprinkler System (011095852		(\$67.34)		
0092-103122-51			10/31/2022		116367255 -Lucille and Villa De Anza, Sprinkler Control		\$255.46		
0092-103122-52			10/31/2022		116367815 -19784 Wintergreen Dr		\$596.60		
0092-103122-53			10/31/2022		116367280 -Stevens Creek Blvd and Fwy 85 East Ramp, Traffic Sign		\$90.02		
0092-103122-54			10/31/2022		116367290 -Stevens Creek and Mary Ave, Traffic Signals		\$94.26		
0092-103122-55			10/31/2022		116367408 -Stevens Creek Bl and Mary Avenue, Memorial Park Pump		(\$14.65)		
0092-103122-56			10/31/2022		116367625 -Stevens Creek Blvd Orange S/W Cor, Irrigation Control		(\$69.07)		
0092-103122-57			10/31/2022		116367902 -10246 Parkside Ln, Wilson Pk Sprinklers,Snack Shack,I		\$298.33		
0092-103122-58			10/31/2022		116367628 -N/W corner Alpine Dr and Foothill Blvd, Irrigation Co		(\$68.88)		
0092-103122-59			10/31/2022		116367476 -Salem Ave and Foothill Blvd, Irrigation Control		(\$69.07)		
0092-103122-60			10/31/2022		116367527 -Foothill Blvd 200' N/O Stevens Creek W/S, Irrigation		(\$69.00)		
0092-103122-61			10/31/2022		116367740 -Carmen Rd and Stevens Creek S/E corner, Irrigation Co		(\$69.07)		
0092-103122-62			10/31/2022		116367343 112570652 -Foothill Blvd 150' N/O Alpine E/S, Irrigati		(\$68.69)		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
0092-103122-63			10/31/2022		116367370 -Stevens Creek Blvd and Fwy 85 West Ramp, Traffic Sign		\$14.29		
0092-103122-64			10/31/2022		116367380 -NE Corner Peninsula and Stevens Creek, Traffic Signal		\$83.23		
0092-103122-65			10/31/2022		116367385 -End/Stokes W/Wilson Crt, Sprinkler Control		(\$66.99)		
0092-103122-66			10/31/2022		116367395 -N/E corner Foothill and Starling Dr, Traffic Signals		\$69.27		
0092-103122-67			10/31/2022		116367067 -Stonydale Dr and Varian Park, walkway lighting and Ir		\$25.77		
0092-103122-68			10/31/2022		116367071 -Linda Vista Dr / Hillside Park, Hillside Park		(\$53.86)		
0092-103122-69			10/31/2022		116367648 -Linda Vista Park/Linda Vista Dr, Irrigation Control		\$91.46		
0092-103122-70			10/31/2022		116367455 -E37R9 Rodriguez and De Anza Blvd, Traffic Signal		\$91.11		
0092-103122-71			10/31/2022		116367656 -Scofield and De Anza, 100HP		(\$66.79)		
0092-103122-72			10/31/2022		116367465 -De Anza Blvd and Scofield Dr, Sprinkler Controller		(\$67.34)		
0092-103122-73			10/31/2022		116367475 -Foothill and Stevens Creek, Traffic Signal		\$75.57		
0092-103122-74			10/31/2022		116367447 -Stelling Rd Median 500' S/O Peppertree Ln, Landscape		(\$66.60)		
0092-103122-75			10/31/2022		116367236 -Stelling Rd Median 450' S/O Stevens Crk, Landscape Ir		(\$66.90)		
0092-103122-76			10/31/2022		116367505 -Stevens Crk and Stelling, Signal		\$45.33		
0092-103122-77			10/31/2022		116367510 -Bubb Rd and Results Wy, Traffic Signal		\$61.65		
0092-103122-78			10/31/2022		116367515 -Bubb Rd and McClellan Intersection, Traffic Signal		\$92.43		
0092-103122-79			10/31/2022		116367520 -Stelling Rd and Peppertree, Traffic Signal		\$69.52		
0092-103122-80			10/31/2022		116367525 -Stelling and McClellan, Signals		\$94.00		
0092-103122-81			10/31/2022		116367530 -Orange Ave and Stevens Creek N/E corner, Traffic Cont		\$55.34		
0092-103122-82			10/31/2022		116367493 -Dumas Dr/Jollyman Park, Jollyman Park Restroom		\$460.03		
0092-103122-83			10/31/2022		116367545 -Saratoga-Sunnyvale Rd, Traffic Signal		\$78.22		
0092-103122-84			10/31/2022		116367550 -W/S Saratoga-Sunnyvale Rd @ RT85, Traffic Signal		\$68.23		
0092-103122-85			10/31/2022		116367560 -S/E corner De Anza and Pacifica, Traffic Signal		\$84.54		
0092-103122-86			10/31/2022		116367570 -De Anza Blvd, Sprinkler Controller *		(\$67.34)		
0092-103122-87			10/31/2022		116367585 -Rainbow and Stelling, Traffic Signal		\$75.86		
0092-103122-88			10/31/2022		116367559 -21011 Prospect Rd, Irrigation Control		(\$69.03)		
0092-103122-89			10/31/2022		116367685 -Ruppell Pl and Moltzen Dr, Sprinkler Control		\$10.62		
0092-103122-90			10/31/2022		115211833 -10300 Anisworth Dr, Ball Park Stevens Creek SV		(\$68.90)		
0092-103122-91			10/31/2022		116367630 -22100 Stevens Creek Blvd, Golf Pro Shop		\$229.45		
0092-103122-92			10/31/2022		110081495 -10710 Stokes Ave, Somerset Park		(\$55.34)		
0092-103122-93			10/31/2022		116367044 -10555 Mary Ave NEM		\$39.75		
0092-103122-94			10/31/2022		116367568 -10555 Mary Ave, Corp Yard		(\$24.28)		
0092-103122-95			10/31/2022		116367474 -10500 Ann Arbor Ave, Field-Garden Gate		\$48.52		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	0092-103122-96		10/31/2022	114315284	116367325 -21975 San Fernando Ave, Picnic Area		\$2,062.34		
	0092-103122-97		10/31/2022	116367171	-10155 Barbara Ln, Irrigation and Scoreboard		\$98.85		
	0092-103122-98		10/31/2022	116367587	-10430 S De Anza Blvd, Holiday Lighting		(\$30.84)		
	0092-103122-99		10/31/2022	116367449	-10350 Torre Ave, Community Hall		\$2,972.09		
	0092-103122-100		10/31/2022	111190735	119980351-10300 Torre Ave, City Hall		\$9,436.46		
	0092-103122-101		10/31/2022	116367437	-10455 Miller Ave, Creekside Park		\$384.18		
	0092-103122-102		10/31/2022	116367988	-21710 McClellan Rd, Playground Reception Area		(\$69.07)		
	0092-103122-103		10/31/2022	116367484	-20220 Suisun Dr, Parks and Rec Free Standing Panel		(\$69.07)		
	0092-103122-104		10/31/2022	116367763	-10630 S De Anza Blvd, Holiday Lighting		(\$24.23)		
	0092-103122-105		10/31/2022	116367332	-821 Bubb Rd #B/Building Concession		(\$36.49)		
	0092-103122-106		10/31/2022	116367274	-1170 Yorkshire Dr.		(\$68.80)		
	0092-103122-107		10/31/2022	116367941	-7548 Donegal Dr, Irrigation Control /Hoover Park		(\$68.85)		
	0092-103122-108		10/31/2022	116367840	-10185 N Stelling RD		\$9,798.79		
	0092-103122-109		10/31/2022	116971849	-21111 Stevens Creek Blvd, Sports Center		\$9,262.25		
	0092-103122-110		10/31/2022	116367477	-21121 Stevens Creek Blvd, Memorial Park		\$1,797.45		
	0092-103122-111		10/31/2022	(Old116367536)	113736756 ESP113428799 -Senior Center 21251 Steve		\$4,126.71		
	0092-103122-112		10/31/2022	116367590	-Saratoga Sunnyvale Rd and Hwy 85, Traffic Signal		\$72.60		
	0092-103122-113		10/31/2022	116367605	-E37C1 Prospect and Rte 85, Traffic Signal		\$83.47		
	0092-103122-114		10/31/2022	116367610	-E37R6 Kentwood/S. De Anza Blvd, Traffic Signal		\$78.97		
	0092-103122-115		10/31/2022	116367615	-Fallenleaf Ln and S De Anza Blvd, Traffic Signal		\$83.76		
	0092-103122-116		10/31/2022	116367620	-S De Anza Blvd and Sharon Dr , Irrigation Controller		(\$60.81)		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100	100-100 (Cash & Investments Assets Operating Cash)		\$36,102.99		
	560 - Blackberry Farm			560	100-100 (Cash & Investments Assets Operating Cash)		\$229.45		
	570 - Sports Center			570	100-100 (Cash & Investments Assets Operating Cash)		\$9,262.25		
731409	11/10/2022	Open			Accounts Payable	RPM EXTERMINATORS INC	\$1,275.00		
	Invoice		Date	Description		Amount			
	0097471		10/28/2022	Facilities - Changed Bait Various Bldgs		\$1,275.00			
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100	100-100 (Cash & Investments Assets Operating Cash)		\$1,020.00		
	570 - Sports Center			570	100-100 (Cash & Investments Assets Operating Cash)		\$255.00		
731410	11/10/2022	Open			Accounts Payable	San Jose Water Company	\$13,753.21		
	Invoice		Date	Description		Amount			
	Import - 899058		10/20/2022	0573900000-7 - 22120 Stevens Creek Blvd		\$86.61			
	Import - 899059		10/20/2022	3688120000-4 - Mary Ave Footbridge		\$178.22			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Import - 899060		10/20/2022		3872100000-8 - Park Canyon Oak Wy		\$611.65		
	Import - 899061		10/20/2022		5022148584-5 - 10301 Byrne Ave		\$128.75		
	Import - 899062		10/20/2022		6287875324-3 - 22241 McClellan Rd (Simms)		\$191.95		
	Import - 899063		10/20/2022		6875120000-4 - 21979 San Fernando Av		\$592.49		
	Import - 899064		10/20/2022		7112900000-7 - Oak Valley Rd		\$307.22		
	Import - 899065		10/20/2022		7523510000-7 - Oak Valley Road LS		\$295.28		
	Import - 899066		10/20/2022		9118810000-1 - 21121 Stevens Ck Bl Ls		\$323.72		
	Import - 899067		10/20/2022		4299057897-5 Alhambra Ave		\$455.71		
	Import - 899068		10/28/2022		3156700000-0 - Prospect Rd.LS		\$183.14		
	Import - 899069		10/28/2022		4676110000-0 - Rainbow Dr.LS		\$171.02		
	Import - 899070		10/28/2022		6756510000-4 - Yorkshire Dr.LS		\$6,197.00		
	Import - 899071		10/28/2022		7808300000-6 - Irrigation-Median (Westlynn Wy)		\$180.76		
	Import - 899072		10/28/2022		9511610000-9 - Donegal Dr.		\$101.38		
	Import - 899073		10/27/2022		0067500000-4 - Oro Grande PL LS		\$162.89		
	Import - 899074		10/27/2022		0879200000-5 - Stelling Rd. LS		\$742.26		
	Import - 899075		10/27/2022		1731610000-1 - De Anza Blvd.S.		\$458.93		
	Import - 899076		10/27/2022		4242600000-8 - Irrigation-Median (Bollinger Rd)		\$139.68		
	Import - 899077		10/27/2022		5280181221-6 - S De Anza Bl (median irrigation)		\$800.43		
	Import - 899078		10/27/2022		5461910000-8 - De Anza Blvd.S.		\$531.61		
	Import - 899079		10/27/2022		5949902723-9 - Creekline Dr		\$271.89		
	Import - 899080		10/27/2022		9705420000-7 - 10300 Torre Avenue Ls		\$640.62		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)		\$13,429.49		
	570 - Sports Center				570 100-100 (Cash & Investments Assets Operating Cash)		\$323.72		
731411	11/10/2022	Open			Accounts Payable	Santa Clara Valley Water District	\$39,185.00		
	Invoice		Date		Description	Amount			
	GN102133		08/30/2022		Landscape/Graywater Rebate Program	\$39,185.00			
	Paying Fund				Cash Account	Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)	\$39,010.00			
	230 - Env Mgmt Cln Crk Strm Drain				230 100-100 (Cash & Investments Assets Operating Cash)	\$175.00			
731412	11/10/2022	Open			Accounts Payable	Schaaf & Wheeler, Consulting Civil Engineers	\$1,920.00		
	Invoice		Date		Description	Amount			
	36542		09/30/2022		On-call Support Pumpkin Fiesta SD through 09302022	\$1,920.00			
	Paying Fund				Cash Account	Amount			
	210 - Storm Drain Improvement				210 100-100 (Cash & Investments Assets Operating Cash)	\$1,920.00			
731413	11/10/2022	Open			Accounts Payable	Sherrill Inc.	\$1,309.47		
	Invoice		Date		Description	Amount			
	INV-804977		10/28/2022		Trees/ROW - Cervino Wood Size 42-9 & 44.5-11	\$1,309.47			
	Paying Fund				Cash Account	Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)	\$1,309.47			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
731414	11/10/2022	Open			Accounts Payable	SUBURBAN PROPANE-1644	\$4,730.84		
	Invoice		Date	Description			Amount		
	172999		10/28/2022	Fleet - Propane			\$4,730.84		
	Paying Fund			Cash Account			Amount		
	630 - Vehicle/Equip Replacement			630 100-100 (Cash & Investments Assets Operating Cash)			\$4,730.84		
731415	11/10/2022	Open			Accounts Payable	YSERCO, INC.	\$8,274.25		
	Invoice		Date	Description			Amount		
	10789		08/01/2022	Facilities - Sports Center Preventative Maint.			\$4,061.00		
	11140		11/02/2022	Facilities - Sports Center Preventative Maint.			\$4,213.25		
	Paying Fund			Cash Account			Amount		
731416	11/10/2022	Open			Accounts Payable	TPx Communications	\$2,183.14		
	Invoice		Date	Description			Amount		
	163161261-0		10/31/2022	Telephone Service for new VoIP System Oct. 2022			\$2,183.14		
	Paying Fund			Cash Account			Amount		
	610 - Innovation & Technology			610 100-100 (Cash & Investments Assets Operating Cash)			\$2,183.14		
731417	11/10/2022	Open			Accounts Payable	TransUnion Risk and Alternative	\$165.00		
	Invoice		Date	Description			Amount		
	6110432-202210-1		11/01/2022	tlo 10/01/2022 - 10/31/2022			\$165.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)			\$165.00		
731418	11/10/2022	Open			Accounts Payable	FIRST ELEMENT FUEL, INC.	\$5,000.00		
	Invoice		Date	Description			Amount		
	308484		11/03/2022	REFUND 21530 STEVENS CREEK BLVD BLD-2020-1927 TCO BOND			\$5,000.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)			\$5,000.00		
731419	11/10/2022	Open			Accounts Payable	GLADIATOR REPIPE	\$289.28		
	Invoice		Date	Description			Amount		
	316758		11/02/2022	REFUND 19847 BEEKMAN PLACE BLD-2022-1998 WITHDRAWN			\$289.28		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)			\$289.28		
731420	11/10/2022	Open			Accounts Payable	KDC CONSTRUCTION	\$5,000.00		
	Invoice		Date	Description			Amount		
	277373		11/08/2022	REFUND 11010 N DE ANZA BLVD B-2018-0346 TCO BOND			\$5,000.00		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)			\$5,000.00		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
731421	11/10/2022	Open			Accounts Payable	NABIL A. IBRAHIM	\$335.50		
	Invoice		Date	Description		Amount			
	316713		10/27/2022	REFUND 10555 S DE ANZA 105 BLD-2022-1995		\$335.50			
				WRONG PERMIT PAYMENT					
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$335.50			
731422	11/10/2022	Open			Accounts Payable	NAKHODA, SHAZIA	\$103.36		
	Invoice		Date	Description		Amount			
	S.NAKHODA101422		10/14/2022	reusable preschool trick or treat pumpkin tins.		\$103.36			
	Paying Fund			Cash Account		Amount			
	580 - Recreation Program			580 100-100 (Cash & Investments Assets Operating Cash)		\$103.36			
731423	11/10/2022	Open			Accounts Payable	NAKHODA, SHAZIA	\$4.98		
	Invoice		Date	Description		Amount			
	S.NAKHODA102622		10/26/2022	Lima Beans for Preschool project		\$4.98			
	Paying Fund			Cash Account		Amount			
	580 - Recreation Program			580 100-100 (Cash & Investments Assets Operating Cash)		\$4.98			
731424	11/10/2022	Open			Accounts Payable	Patricia E Lee	\$155.00		
	Invoice		Date	Description		Amount			
	Lee110222		11/02/2022	the applicant made two payments		\$155.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$155.00			
731425	11/10/2022	Open			Accounts Payable	Thao Pham	\$184.70		
	Invoice		Date	Description		Amount			
	Pham080222		08/02/2022	The applicant has an existing license		\$184.70			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$184.70			
Type Check Totals:							\$1,621,930.56		
EFT									
35636	11/07/2022	Open			Accounts Payable	USPS - EFT ONLY	\$4,174.59		
	Invoice		Date	Description		Amount			
	237129196		11/07/2022	USPS - Shipping		\$4,174.59			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$4,174.59			
35637	11/07/2022	Open			Accounts Payable	USPS - EFT ONLY	\$4,086.08		
	Invoice		Date	Description		Amount			
	510532352		10/26/2022	CUPERTINO SCENE INC		\$4,086.08			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$4,086.08			
35638	11/10/2022	Open			Accounts Payable	Colonial Life & Accident Insurance	\$29.16		
	Invoice		Date	Description		Amount			
	11042022		11/04/2022	Colonial Products pp 10/22/22-11/4/22		\$29.16			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$29.16		
				Cash)					
35639	11/10/2022	Open			Accounts Payable	Employment Development	\$7,699.71		
	Invoice		Date	Description			Amount		
	11042022		11/04/2022	State Disability Insurance pp 10/22/22-11/4/22			\$7,699.71		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$7,699.71		
				Cash)					
35640	11/10/2022	Open			Accounts Payable	National Deferred (ROTH)	\$2,865.66		
	Invoice		Date	Description			Amount		
	11042022		11/04/2022	Nationwide Roth pp 10/22/22-11/4/22			\$2,865.66		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$2,865.66		
				Cash)					
35641	11/10/2022	Open			Accounts Payable	National Deferred Compensatin	\$24,969.57		
	Invoice		Date	Description			Amount		
	11042022		11/04/2022	Nationwide Deferred Compensation pp 10/22/22-11/4/22			\$24,969.57		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$24,969.57		
				Cash)					
35642	11/10/2022	Open			Accounts Payable	PERS-457K	\$15,892.29		
	Invoice		Date	Description			Amount		
	11042022		11/04/2022	PERS Deferred Comp pp 10/22/22-11/4/22			\$15,892.29		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$15,892.29		
				Cash)					
35643	11/10/2022	Open			Accounts Payable	State Disbursement Unit	\$231.23		
	Invoice		Date	Description			Amount		
	11042022		11/04/2022	Child Support pp 10/22/22-11/4/22			\$231.23		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$231.23		
				Cash)					
35644	11/10/2022	Open			Accounts Payable	California Public Employees' Retirement System	\$386,533.81		
	Invoice		Date	Description			Amount		
	7158-101422		10/14/2022	Health Premiums PERS 10/14/22			\$386,533.81		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets	Operating		\$275,064.83		
				Cash)					
	642 - Retiree Medical			642 100-100 (Cash & Investments Assets	Operating		\$111,468.98		
				Cash)					
35645	11/07/2022	Open			Accounts Payable	USPS - EFT ONLY	\$1,036.53		
	Invoice		Date	Description			Amount		
	511531202		11/01/2022	CUPERTINO SCENE INC			\$1,036.53		
	Paying Fund			Cash Account			Amount		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					100 - General Fund	100 100-100 (Cash & Investments Assets Operating Cash)	\$1,036.53		
35646	11/10/2022	Open			Accounts Payable	4 PAWS GOOSE CONTROL	\$1,850.00		
	Invoice		Date	Description		Amount			
	1777		11/02/2022	Grounds - Oct 2022 Goose Control Services		\$1,850.00			
	Paying Fund			Cash Account		Amount			
					100 - General Fund	100 100-100 (Cash & Investments Assets Operating Cash)	\$1,850.00		
35647	11/10/2022	Open			Accounts Payable	4LEAF, Inc.	\$8,630.00		
	Invoice		Date	Description		Amount			
	J3872-01F		11/04/2022	Orange Ave. Sidewalk Improvements through 100122-103122		\$8,630.00			
	Paying Fund			Cash Account		Amount			
					270 - Transportation Fund	270 100-100 (Cash & Investments Assets Operating Cash)	\$8,630.00		
35648	11/10/2022	Open			Accounts Payable	ALEX WYKOFF	\$180.50		
	Invoice		Date	Description		Amount			
	AlexW11012022		11/01/2022	CASQA Conference 10.23.22-10.26.22- travel reimbursements		\$180.50			
	Paying Fund			Cash Account		Amount			
					230 - Env Mgmt Cln Crk Strm Drain	230 100-100 (Cash & Investments Assets Operating Cash)	\$180.50		
35649	11/10/2022	Open			Accounts Payable	Amazon Capital Services	\$240.64		
	Invoice		Date	Description		Amount			
	1LHJ-DCWF-K34Y		11/07/2022	1x QualGear QG-PRO-PM-VCA-B Pro-AV Sloped Ceiling Adapter for 1.		\$37.60			
	1LY4-9DRJ-JYT9		11/07/2022	1x Apple AirTag 4 Pack, Bike Airtag Case with Bell, 4 Pack) Wate		\$172.10			
	1NMJ-7YVP-JQWN		11/07/2022	1x QualGear QG-PRO-PM-2FT-B Pro-AV 1.5" Npt Threaded Pipe, 2' Le		\$30.94			
	Paying Fund			Cash Account		Amount			
					610 - Innovation & Technology	610 100-100 (Cash & Investments Assets Operating Cash)	\$240.64		
35650	11/10/2022	Open			Accounts Payable	Amazon Web Services, Inc.	\$3,734.43		
	Invoice		Date	Description		Amount			
	1175082397		11/02/2022	AWS - October 1 - October 31 , 2022 Applications		\$1,428.19			
	1169072385		11/02/2022	AWS - October 1 - October 31, 2022 GIS		\$2,306.24			
	Paying Fund			Cash Account		Amount			
					100 - General Fund	100 100-100 (Cash & Investments Assets Operating Cash)	\$1,428.19		
					610 - Innovation & Technology	610 100-100 (Cash & Investments Assets Operating Cash)	\$2,306.24		
35651	11/10/2022	Open			Accounts Payable	ANDERSON'S TREE CARE SPECIALISTS, INC	\$38,975.00		
	Invoice		Date	Description		Amount			
	16084		10/24/2022	Grounds - Three Oaks Park Tree Maintenance		\$38,975.00			
	Paying Fund			Cash Account		Amount			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$38,975.00		
35652	11/10/2022	Open			Accounts Payable	Avocette Technologies Inc.	\$7,767.50		
	Invoice		Date	Description		Amount			
	2210CU1		10/31/2022	Accela FY23 Configuration services - Oct. 2022		\$7,767.50			
	Paying Fund			Cash Account		Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$7,767.50		
35653	11/10/2022	Open			Accounts Payable	B&H PHOTO-VIDEO	\$8,830.88		
	Invoice		Date	Description		Amount			
	206916383		10/25/2022	Aputure Lighting Package01		\$8,830.88			
	Paying Fund			Cash Account		Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$8,830.88		
35654	11/10/2022	Open			Accounts Payable	Boucher Law, PC	\$23,680.09		
	Invoice		Date	Description		Amount			
	1178		11/04/2022	Finance Manager (2022)		\$2,210.09			
	1181		11/04/2022	Labor Negotiations (2022)		\$19,509.00			
	1177		11/04/2022	COVID-19 Matters		\$159.00			
	1180		11/04/2022	Labor & Employment Law Matters		\$1,802.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$23,680.09		
35655	11/10/2022	Open			Accounts Payable	Community Health Charities HO	\$50.00		
	Invoice		Date	Description		Amount			
	11042022		11/04/2022	Community Health Charities pp 10/22/22-11/4/22		\$50.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$50.00		
35656	11/10/2022	Open			Accounts Payable	CSG Consultants, Inc.	\$9,801.72		
	Invoice		Date	Description		Amount			
	B221718		10/03/2022	Building Plan Review Services 9/1/2022 - 9/30/2022		\$875.00			
	B221719		10/03/2022	Building Plan Review Services 9/1/2022 - 9/30/2022		\$8,926.72			
	Paying Fund			Cash Account		Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$9,801.72		
35657	11/10/2022	Open			Accounts Payable	David J. Powers & Associates, Inc.	\$962.50		
	Invoice		Date	Description		Amount			
	28707		10/25/2022	Main Street Cupertino Modifications 2022/9		\$962.50			
	Paying Fund			Cash Account		Amount			
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$962.50		
35658	11/10/2022	Open			Accounts Payable	DLT Solutions, LLC	\$12,955.02		
	Invoice		Date	Description		Amount			
	SI586020		11/04/2022	AutoCAD Licenses (1/10/23 - 1/9/26)		\$12,955.02			
	Paying Fund			Cash Account		Amount			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	610 - Innovation & Technology			610 100-100 (Cash & Investments Assets Cash)		Operating	\$12,955.02		
35659	11/10/2022	Open			Accounts Payable	DOGGIE WALK BAGS INC	\$5,150.25		
	Invoice		Date	Description		Amount			
	0103237-IN		10/20/2022	Grounds - Unscented Disp Green Bags		\$5,150.25			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$5,150.25		
35660	11/10/2022	Open			Accounts Payable	Ecology Action of Santa Cruz	\$18,285.10		
	Invoice		Date	Description		Amount			
	67731		03/31/2022	Ecology Action Project Allocation		\$18,285.10			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$18,285.10		
35661	11/10/2022	Open			Accounts Payable	EDGES ELECTRICAL GROUP	\$2,689.91		
	Invoice		Date	Description		Amount			
	S5704029.001		10/26/2022	Facilities - LED Flat Panel SC Mechanic Bay Lighting Upgrade		\$2,392.13			
	S5706280.001		10/27/2022	Streets - Adjustable 20W LED Wall Pack, RAB HIDFA		\$297.78			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$2,689.91		
35662	11/10/2022	Open			Accounts Payable	Eflex Group, Inc	\$3,403.61		
	Invoice		Date	Description		Amount			
	11042022		11/04/2022	FSA Employee Health pp 10/22/22-11/4/22		\$3,403.61			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$3,403.61		
35663	11/10/2022	Open			Accounts Payable	Evelyn Moran	\$55.00		
	Invoice		Date	Description		Amount			
	EvelynM10212022		10/21/2022	Cell Phone Reimbursement through 10212022		\$55.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$55.00		
35664	11/10/2022	Open			Accounts Payable	GEOTAB USA, INC.	\$2,810.15		
	Invoice		Date	Description		Amount			
	IN321505		10/31/2022	Telematics Project - ProPlus Plan, Support Oct. 2022		\$2,810.15			
	Paying Fund			Cash Account		Amount			
	610 - Innovation & Technology			610 100-100 (Cash & Investments Assets Cash)		Operating	\$2,810.15		
35665	11/10/2022	Open			Accounts Payable	GOLDFARB & LIPMAN LLP	\$1,742.00		
	Invoice		Date	Description		Amount			
	146262		08/12/2022	Housing Legal Review 2022/07		\$892.00			
	458952		10/28/2022	Housing Legal Review 2022/09		\$714.00			
	459229		10/31/2022	Housing Legal Review 2022/09		\$136.00			
	Paying Fund			Cash Account		Amount			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	265 - BMR Housing			265 100-100 (Cash & Investments Assets Cash)		Operating	\$1,742.00		
35666	11/10/2022	Open			Accounts Payable	GRAINGER INC	\$4,717.35		
	Invoice		Date	Description		Amount			
	9493963459		10/27/2022	Facilities - Telescopic Pole		\$468.65			
	9499834308		11/02/2022	Facilities - Filtered Diffuser		\$271.99			
	9497164682		10/31/2022	Streets - Portable Strapping Tool Battery Heavy Duty		\$2,889.38			
	9496851222		10/31/2022	Trees/ROW - Rubber Boot Orange		\$144.80			
	9501676077		11/03/2022	Trees/ROW - Probe, Heater Element		\$593.46			
	9498235481		11/01/2022	Streets - Shade Cloth Green		\$349.07			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$1,478.90		
	270 - Transportation Fund			270 100-100 (Cash & Investments Assets Cash)		Operating	\$3,238.45		
35667	11/10/2022	Open			Accounts Payable	HortScience I Bartlett Consulting	\$1,500.00		
	Invoice		Date	Description		Amount			
	16093		10/28/2022	TR-2022-035 Arborist Peer Review - 10113 Senate Way		\$1,500.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$1,500.00		
35668	11/10/2022	Open			Accounts Payable	IFPTE LOCAL 21	\$1,976.81		
	Invoice		Date	Description		Amount			
	11042022		11/04/2022	Association Dues - CEA pp 10/22/22-11/4/22		\$1,976.81			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$1,976.81		
35669	11/10/2022	Open			Accounts Payable	IMPEC GROUP INC,.	\$760.41		
	Invoice		Date	Description		Amount			
	2210139		10/31/2022	Facilities - Oct 2022 Linda Vista Trail Gate		\$760.41			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$760.41		
35670	11/10/2022	Open			Accounts Payable	Independent Code Consultants, Inc.	\$16,675.26		
	Invoice		Date	Description		Amount			
	1677		11/01/2022	Building Plan Review Services - 2022/10		\$750.00			
	1676		11/01/2022	Building Plan Review Services - 2022/10		\$15,925.26			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Cash)		Operating	\$16,675.26		
35671	11/10/2022	Open			Accounts Payable	KIMBALL-MIDWEST	\$388.44		
	Invoice		Date	Description		Amount			
	100448257		11/01/2022	Streets - 3/8x4 Screw Bolt, Cherry Blast White, 3/16 Aircraft		\$388.44			
	Paying Fund			Cash Account		Amount			
	270 - Transportation Fund			270 100-100 (Cash & Investments Assets Cash)		Operating	\$388.44		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
35672	11/10/2022	Open			Accounts Payable	Law Office of Clare M. Gibson	\$269.50		
	Invoice		Date	Description		Amount			
	1050		11/01/2022	Legal Services, October 2022		\$269.50			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$269.50			
35673	11/10/2022	Open			Accounts Payable	Marlon Aumentado	\$55.00		
	Invoice		Date	Description		Amount			
	MarlonA10152022		10/15/2022	Cell Phone Reimbursement through 091622-101522		\$55.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$55.00			
35674	11/10/2022	Open			Accounts Payable	Mesiti-Miller Engineering, Inc.	\$754.50		
	Invoice		Date	Description		Amount			
	1022024		10/31/2022	Wilson Park Basketball Court through 10252022		\$754.50			
	Paying Fund			Cash Account		Amount			
	420 - Capital Improvement Fund			420 100-100 (Cash & Investments Assets Operating Cash)		\$754.50			
35675	11/10/2022	Open			Accounts Payable	Michael Baker International	\$12,551.25		
	Invoice		Date	Description		Amount			
	1162341		10/31/2022	CDBG and CDBG-CV consultant 2022/09		\$6,211.25			
	1154663		08/08/2022	CDBG and CDBG-CV consultant 2022/07		\$3,600.00			
	1152508		07/15/2022	CDBG and CDBG-CV consultant 2022/06		\$2,740.00			
	Paying Fund			Cash Account		Amount			
	260 - CDBG			260 100-100 (Cash & Investments Assets Operating Cash)		\$12,551.25			
35676	11/10/2022	Open			Accounts Payable	MissionSquare	\$12,614.38		
	Invoice		Date	Description		Amount			
	11042022		11/04/2022	ICMA Deferred Comp pp 10/22/22-11/4/22		\$12,614.38			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$12,614.38			
35677	11/10/2022	Open			Accounts Payable	Moore Lacofano Goltsman, Inc.	\$2,506.00		
	Invoice		Date	Description		Amount			
	0077603		10/18/2022	Blackberry Farm Golf Course Restoration through 080122-093022		\$2,506.00			
	Paying Fund			Cash Account		Amount			
	560 - Blackberry Farm			560 100-100 (Cash & Investments Assets Operating Cash)		\$2,506.00			
35678	11/10/2022	Open			Accounts Payable	Nexinite, LLC	\$225.00		
	Invoice		Date	Description		Amount			
	INV-001833		11/07/2022	Form Digitization Service for FY22 - Oct. 2022		\$225.00			
	Paying Fund			Cash Account		Amount			
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)		\$225.00			
35679	11/10/2022	Open			Accounts Payable	NI Government Services Inc	\$79.04		
	Invoice		Date	Description		Amount			
	22102907051		11/03/2022	Traffic Period 10/1/2022 - 10/31/2022		\$79.04			

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)		\$79.04		
35680	11/10/2022	Open			Accounts Payable	PARS/City of Cupertino	\$3,387.35		
	Invoice		Date		Description		Amount		
	11042022		11/04/2022		PARS Employee pp 10/22/22-11/4/22		\$3,387.35		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)		\$3,387.35		
35681	11/10/2022	Open			Accounts Payable	Professional Turf Management, Inc.	\$17,075.00		
	Invoice		Date		Description		Amount		
	1255		10/20/2022		Golf Course Monthly Maintenance Fee - October 2022		\$17,000.00		
	1256		10/25/2022		Monthly Gate Service - October 2022		\$75.00		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)		\$75.00		
	560 - Blackberry Farm				560 100-100 (Cash & Investments Assets Operating Cash)		\$17,000.00		
35682	11/10/2022	Open			Accounts Payable	QUARTIC SOLUTIONS LLC	\$22,275.03		
	Invoice		Date		Description		Amount		
	3293		10/06/2022		FY23 GIS Support Services - September 2022		\$11,270.00		
	3263		09/14/2022		FY23 GIS Support Services - August 2022		\$11,005.03		
	Paying Fund				Cash Account		Amount		
	610 - Innovation & Technology				610 100-100 (Cash & Investments Assets Operating Cash)		\$22,275.03		
35683	11/10/2022	Open			Accounts Payable	R.THOMAS HECK & ASSOCIATES	\$19,878.00		
	Invoice		Date		Description		Amount		
	104		11/07/2022		Winter 2023 Recreation Schedule		\$19,878.00		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)		\$19,878.00		
35684	11/10/2022	Open			Accounts Payable	Rincon Consultants, Inc	\$7,081.63		
	Invoice		Date		Description		Amount		
	43041		10/17/2022		Climate Action & Adaptation Plan Updates		\$7,081.63		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)		\$7,081.63		
35685	11/10/2022	Open			Accounts Payable	Ross Recreation Equipment, Inc.	\$632.63		
	Invoice		Date		Description		Amount		
	I21970		10/26/2022		Grounds - Jollyman Cyclor Foot Pedals		\$632.63		
	Paying Fund				Cash Account		Amount		
	100 - General Fund				100 100-100 (Cash & Investments Assets Operating Cash)		\$632.63		
35686	11/10/2022	Open			Accounts Payable	Sedgwick Claims Management Services, Inc.	\$6,984.08		
	Invoice		Date		Description		Amount		
	400000102680		08/01/2022		Workers' Compensation Claims 8/1/22-8/31/22		\$2,343.33		
	400000105437		09/01/2022		Workers' Compensation Claims 9/1/22-9/30/22		\$2,343.33		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	400000075264		11/01/2021	Workers' Compensation Claims 11/1/21-11/30/21			\$2,297.42		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)			\$6,984.08		
35687	11/10/2022	Open			Accounts Payable	SUNSTATE EQUIPMENT CO., LLC	\$2,577.87		
	Invoice		Date	Description			Amount		
	11114893-001		10/04/2022	Grounds - Mini Excavator			\$2,577.87		
	Paying Fund			Cash Account			Amount		
	100 - General Fund			100 100-100 (Cash & Investments Assets Operating Cash)			\$2,577.87		
35688	11/10/2022	Open			Accounts Payable	Uniguest, Inc.	\$4,914.66		
	Invoice		Date	Description			Amount		
	INV288657		10/19/2022	1x 55" LG Display with integrated touch overlay			\$4,914.66		
	Paying Fund			Cash Account			Amount		
	610 - Innovation & Technology			610 100-100 (Cash & Investments Assets Operating Cash)			\$4,914.66		
35689	11/10/2022	Open			Accounts Payable	URSULA SYROVA	\$226.49		
	Invoice		Date	Description			Amount		
	UrsulaS11012022		11/01/2022	CASQA Conference 10.23.22-10.26.22- travel reimbursements			\$226.49		
	Paying Fund			Cash Account			Amount		
	230 - Env Mgmt Cln Crk Strm Drain			230 100-100 (Cash & Investments Assets Operating Cash)			\$226.49		
35690	11/10/2022	Open			Accounts Payable	US BANK	\$47,608.26		
	Invoice		Date	Description			Amount		
	ShawnT101722		10/17/2022	7105 CC Charges			\$553.00		
	MelissaR0101722		10/17/2022	0572 CC Charges			\$1,003.77		
	SelbyM101722		10/17/2022	1711 CC Charges			\$540.64		
	TyB101722		10/17/2022	7739 cc charges			\$6,908.08		
	RicA101722		10/17/2022	9906 CC Charges			\$715.18		
	AndrewS101722		10/17/2022	9993 cc charges			\$2,632.62		
	BradA101722		10/17/2022	6013 cc charges			\$173.96		
	IkaP101722		10/17/2022	8108 cc charges			\$1,154.28		
	BrianG101722		10/17/2022	6202 cc charges			\$1,682.16		
	CesarG101722		10/17/2022	9076 cc charges			\$190.99		
	JerryA101722		10/17/2022	8636 cc charges			\$3,716.52		
	JindyG101722		10/17/2022	0175 cc charges			\$1,062.28		
	JonF101722		10/17/2022	3969 cc charges			\$129.48		
	RobG101722		10/17/2022	6980 cc charges			\$149.95		
	RudyL101722		10/17/2022	8736 cc charges			\$204.53		
	FrankV10172022		10/17/2022	5849 CC Charges			\$16.49		
	KimL10172022		10/17/2022	5169 CC Charges			\$142.05		
	ReiD101722		10/17/2022	1409CC Charges			\$1,460.02		
	CherieW10172022		10/17/2022	6916 CC Charges			\$4,250.19		
	JANETL101722		10/17/2022	9949 CC Charges			\$5,499.91		
	TravisW101722		10/17/2022	8746 CC Charges			(\$16.05)		
	MarilynM10172022		10/17/2022	6763 CC Charges			\$27.10		
	KevinG101722		10/17/2022	5856 cc charges			\$120.00		
	JennyK101722		10/17/2022	8829 CC Charges			\$173.37		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	Branton101722		10/17/2022	5320	CC Charges		\$1,398.30		
	KevinK101722		10/17/2022	8746	CC Charges		\$66.09		
	RobertK101722		10/17/2022	7858	CC Charges		\$415.26		
	CyrahC101722		10/17/2022	0363	CC Charges		\$1,638.28		
	SundariP101722		10/17/2022	9702	CC Charges		\$511.39		
	AlexC10172022		10/17/2022	5300	CC Charges		\$25.69		
	ChristL101722		10/17/2022	7456	CC Charges		\$22.66		
	ColleenF101722		10/17/2022	0798	cc charges		\$545.54		
	UrsulaS101722		10/17/2022	2512	CC Charges		\$32.73		
	BennyH101722		10/17/2022	1015	CC charges		\$1,764.10		
	SonyaL101722		10/17/2022	8808	CC Charges		\$143.55		
	RandyV101722		10/17/2022	9138	CC Charges		\$272.87		
	AmandaH101722		10/17/2022	9326	CC Charges		\$172.69		
	DanielM101722		10/17/2022	9167	CC Charges		\$454.12		
	LeungK101722		10/17/2022	1733	CC Charges		\$484.10		
	KrisG101722		10/17/2022	6959	CC Charges		\$992.09		
	KarenL101722		10/17/2022	9612	CC Charges		\$172.26		
	mariahg101722		10/17/2022	7882	CC CHARGES		\$1,793.48		
	RobertD101722		10/17/2022	6680	CC Charges		\$273.76		
	AlexG101722		10/17/2022	1741	CC Charges		\$684.94		
	KavithaA101722		10/17/2022	7567	CC Charges		\$116.36		
	DebraN101722		10/17/2022	1090	CC Charges		\$2,686.20		
	KennethE101722		10/17/2022	5954	CC Charges		\$451.28		
	Paying Fund				Cash Account		Amount		
	100 - General Fund			100	100-100 (Cash & Investments Assets Operating Cash)		\$32,969.14		
	230 - Env Mgmt Cln Crk Strm Drain			230	100-100 (Cash & Investments Assets Operating Cash)		\$32.73		
	265 - BMR Housing			265	100-100 (Cash & Investments Assets Operating Cash)		\$9.95		
	270 - Transportation Fund			270	100-100 (Cash & Investments Assets Operating Cash)		\$307.80		
	420 - Capital Improvement Fund			420	100-100 (Cash & Investments Assets Operating Cash)		\$5,191.05		
	560 - Blackberry Farm			560	100-100 (Cash & Investments Assets Operating Cash)		\$426.77		
	570 - Sports Center			570	100-100 (Cash & Investments Assets Operating Cash)		\$324.76		
	580 - Recreation Program			580	100-100 (Cash & Investments Assets Operating Cash)		\$1,858.61		
	610 - Innovation & Technology			610	100-100 (Cash & Investments Assets Operating Cash)		\$2,509.56		
	630 - Vehicle/Equip Replacement			630	100-100 (Cash & Investments Assets Operating Cash)		\$3,977.89		
35691	11/10/2022	Open			Accounts Payable	WOWzy Creation Corp. dba First Place	\$61.61		
	Invoice		Date		Description		Amount		
	95704		11/03/2022		Poet Laureate Trophy Engraving 2023-2024		\$61.61		
	Paying Fund				Cash Account		Amount		

Payment Register

From Payment Date: 11/5/2022 - To Payment Date: 11/10/2022

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	100 - General Fund				100 100-100 (Cash & Investments Assets Cash)	Operating	\$61.61		
35692	11/10/2022	Open			Accounts Payable	ZAYO GROUP, LLC	\$2,669.97		
	Invoice		Date	Description			Amount		
	2022110030583		11/01/2022	FY23 Disaster Recovery Telecom services Nov. 2022			\$2,669.97		
	Paying Fund			Cash Account			Amount		
	610 - Innovation & Technology				610 100-100 (Cash & Investments Assets Cash)	Operating	\$2,669.97		

Type EFT Totals:
Main Account - Main Checking Account Totals

57 Transactions

\$789,758.45

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	45	\$1,621,930.56	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	45	\$1,621,930.56	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	57	\$789,758.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	57	\$789,758.45	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	102	\$2,411,689.01	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	102	\$2,411,689.01	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	45	\$1,621,930.56	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	45	\$1,621,930.56	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	57	\$789,758.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	57	\$789,758.45	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	102	\$2,411,689.01	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	102	\$2,411,689.01	\$0.00

Approved: Beth Viagar
11.14.2022

Subsequent to the February 7, 2023 City Council Meeting when the week of November 13, 2022 Accounts Payable Agenda item was pulled, Staff received the following questions for which responses are provided below.

Q1: Are all accounts payables coming to Council under their own separate CC resolution?

Yes, all Accounts payable come to City Council via resolution. They can be searched as far back as Accounts Payable has been reported this way.

Q2: Accounts Payable will no longer come to Council under a CC Resolution so they will not be easily found. True or False.

False, Accounts Payable will continue to come to City Council via resolution on a monthly basis per the requirements of Resolution 5939, Section D Number 3.

Q3: Please clarify the process Audit Committee is bringing forward.

Please refer to the Audit Committee section of item #11 on the February 21, 2023 City Council Agenda.



CITY OF CUPERTINO

Agenda Item

23-12034

Agenda Date: 2/21/2023
Agenda #: 6.

Subject: Consider adoption of a resolution establishing the Commemorative Bench Dedication Policy and waiving the commemorative fee for Marilyn Francesco. (continued from February 7)

Adopt Resolution No. 23-024 (Attachment A) establishing the Commemorative Bench Dedication Policy and allow a one-time waiver of the policy for Marilyn Francesco.



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: February 21, 2023

Subject

Consider adoption of a resolution establishing the Commemorative Bench Dedication Policy and waiving the commemorative fee for Marilyn Francesco.

Recommended Action

Adopt Resolution No. 23-XXX (Attachment A) establishing the Commemorative Bench Dedication Policy and allow a one-time waiver of the policy for Marilyn Francesco.

Reasons for Recommendation

On October 17, 2017, the City Council adopted Resolution No. 17-102 to establish a Donation Policy for accepting donations and providing guidelines to govern the management and disposition of donations. The guidelines were created to ensure that monetary donations were legal, supported a public purpose and were consistent with City of Cupertino values. Although the Donation Policy included a Park and Public Improvement Donation, it did not include a specific guideline related to the donation of a bench to commemorate or recognize a person.

Staff brought an item to the Council on May 3, 2022, for consideration to approve an installation of a plaque requested by Marilyn Francesco on a bench at Memorial Park in memory of Robin Andy. The Council did not approve the recommendation and directed staff to bring back a proposed policy and procedure for consideration of requests for donation of objects on City property, including potential locations for memorial plaques.

The attached draft Commemorative Bench Dedication Policy will serve as a guide for the acceptance and placement of commemorative benches at parks or public areas within the City.

Staff conducted research to determine the number of previously approved memorial benches and found two instances since 2015 where a memorial bench with plaque was approved by Council. The first instance was on June 2, 2015, when the City Council accepted a bench with a plaque in memory of Mrs. Virginia Logan, at Memorial Park, adjacent to the Cupertino Senior Center. The second was on September 6, 2016, when

City Council accepted a donation of a bench with a plaque in memory of Erik Chen to be placed at Creekside Park.

Staff also performed research on the Commemorative Bench Dedication Policy by reviewing policies of multiple neighboring agencies: Mid-Peninsula Open Space, Town of Los Gatos, San Mateo County, City of Palo Alto, City of Saratoga, and City of Los Altos. Specifically, the evaluation compared the terms and cost of the benches to ensure the City's proposed policy is comparable to the neighboring agencies.

The draft policy includes information related to the general rules and regulations, procurement and installation of benches, location of benches, term of dedication, cost, and approval process.

The following provides a brief description of each of the categories.

General Rules and Regulations

This section provides information related to the prohibition of dedicating a bench other than to commemorate or recognize a person. In addition, the rule stipulates that only one bench shall be dedicated to any single person or family.

Procurement and Installation

The City will purchase the bench and plaque as well as perform the installation. The installation date will be recorded in the City's CMMS (Computerized Maintenance Management System) software, also known as CityWorks.

Bench Locations

The applicant will be required to coordinate with City staff to determine the bench location so as to not interfere with normal park use or maintenance operations and so that it is positioned to maximize and benefit an area.

Dedication Term

The dedication term is proposed to be 10 years with an option to allow the applicant to contribute an additional donation for another 10-year term for a total maximum term of 20 years.

Cost

The cost to install the bench and plaque along with maintenance for the duration of 10-years is \$5,000. If the applicant chooses to extend the term to 20-years, an additional \$2,500 will be collected after the expiration of the original 10-year term. These costs are meant to be cost recovery for the City and may be adjusted every five-years by the Consumer Price Index (CPI) at the City Council's discretion.

Approval Process

The applicant will be required to apply for City's review and meet with City staff on site to determine the appropriate bench location. The plaque may be inscribed with a brief commemorative statement as specified in the policy. Once approved, staff will order the bench and plaque and perform the installation upon receiving payment from the applicant.

One-Time Waiver

Staff is recommending Council to waive the fee and the bench installation requirement for the applicant, Marilyn Francesco, since her application was previously brought to Council for consideration on May 3, 2022, and the applicant has already purchased a plaque. Further, this plaque would be placed on an existing bench if the waiver is approved.

Sustainability Impact

No sustainability impacts.

Fiscal Impact

No fiscal impacts for establishing the Commemorative Bench Dedication Policy. The one-time waiver of the fee would result in the City not collecting the \$5,000 fee; however, Marilyn Francesco has already purchased a plaque that meets the requirements of the policy, and installation of the plaque would require less than 1 hour of staff time to install on an existing bench.

California Environmental Quality Act

No California Environmental Quality Act impacts for establishing the Commemorative Bench Dedication Policy.

Prepared by: Jimmy Tan, Assistant Director of Public Works

Reviewed by: Chad Mosley, Interim Director of Public Works

Reviewed and Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Resolution

B – Draft Commemorative Bench Dedication Policy

RESOLUTION NO. 23-XXX

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL ESTABLISHING A
COMMEMORATIVE BENCH DEDICATION POLICY**

WHEREAS, the City of Cupertino wishes to establish a uniform policy and set of procedures for the acceptance of capital gifts to the City, including memorials and recognition items; and

WHEREAS, the proposed policy provides a formal process for acceptance and documentation of memorial bench donation; and

WHEREAS, the City of Cupertino wishes to ensure that the placement of bench memorials and plaques are suitable for the location proposed and that the memorial benches are appropriate for the City and can be maintained properly.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopts and approves the recommended Commemorative Bench Dedication Policy as set forth in Attachment B.

BE IT FURTHER RESOLVED THAT the fee established under Section VII of the Commemorative Bench Dedication policy is waived with respect to the application received from Marilyn Francesco in May 2022.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of February 2023, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Hung Wei, Mayor City of Cupertino	_____ Date
--	---------------

Resolution No. _____

Attachment A

ATTEST:	
 _____ Kirsten Squarcia, City Clerk	 _____ Date

EXIHIBIT A

Appropriation Amendment by Fund	Appropriation Amendment	Revenue Amendment	Fund Balance (Use of)
Capital Projects Fund	\$96,658	\$0	(\$96,658)
Total Appropriation Amendment	\$96,658	\$0	(\$96,658)



COMMEMORATIVE BENCH DEDICATION POLICY

I. PURPOSE

This policy establishes Cupertino's guidelines for individuals to commemorate or recognize a person with the purchase and placement of a bench approved by the City of Cupertino. This policy will serve as a guide for placement of commemorative benches in parks or public areas within the City.

With respect to commemorative benches, this policy takes precedence over Resolution No. 17-102 "Donation Policy"; and Resolution No. 17-103 "Naming of City Facilities" since these policies do not include specific guidelines to address these amenities.

II. GOVERNING RULES AND REGULATIONS

1. The Department of Public Works will accept donations for benches that commemorate or recognize a person provided that all provisions of the policy are met.
2. The Director of Public Works shall establish a procedure for applying for placement of a commemorative bench and has the authority to approve or deny any bench donation.
3. The City will only accept bench donations that commemorate, memorialize, or recognize an individual or family by name who has a direct connection to the City of Cupertino. No organizations or groups will be considered.
4. Only one bench shall be dedicated to any single person or family, unless there is a compelling reason for additional dedications as shall be determined by the Director of Public Works.

III. BENCHES

1. The City will purchase a standard bench and plaque to maintain consistency through the park system and to ensure quality.
2. Following installation, all benches will be recorded in the City's Computerized Maintenance Management System (CMMS) software. This will serve to track the installation date and maintenance history for the bench.

IV. LOCATION OF BENCHES

1. Memorial benches will be positioned to maximize their benefit to an area. The number of benches will be limited within a park so as to not interfere with normal park use or maintenance operations and shall not detract from the prime recreational purpose of an area.
3. The applicant will coordinate with city staff to determine the appropriate location of the bench. The City reserves the right to limit or prescribe bench locations as determined by the Director of Public Works.
4. The City reserves the right to remove any benches that have been damaged, and which are, in the view of City staff, beyond repair.
5. The City accepts no liability for damages to any bench from vandals or third parties.

V. PLAQUE

1. The plaque may be inscribed with a short commemorative statement recognizing or memorializing the individual or family selected by the donor (e.g., "In Memory of . . ."; "In Loving Memory of . . ."; "Dedicated to . . .") and may include the date of dedication.

VI. TERM OF DEDICATION

1. The memorial bench dedication will have a term of 10 years with one ten-year renewal option. Should the original applicant decline to rededicate an existing bench or fail to notify the Department of Public Works of an intent to rededicate an existing bench within 60 days of the expiration date of the original 10-year term, the applicant will be contacted to pick up the commemorative plaque from the City. The retired bench will not be available to the applicant and will be reused or recycled. It is the responsibility of the applicant or their designated representative to retrieve the removed plaque within 60 days after the end of the agreement.
2. The maximum term for any single memorial bench is 20 years, after which

time the bench will be removed, and the location shall be available for re-use.

3. During the 10-year term, or 20-year term with additional re-dedication, the Department of Public Works will provide regular maintenance of the bench.

VII. FEE

1. The fee for the installation and maintenance of a memorial bench shall be \$5,000 for a term of ten years. The fee includes the cost of the concrete bench footing or concrete pad, procurement and installation of the bench and plaque, and 10-year sponsorship of the donated bench and plaque. An additional ten-year term can be acquired for a renewal fee of \$2,500 at the expiration of the first ten-year agreement.
2. Costs will adjust every five years to align with the Consumer Price Index (CPI) as determined by the Director of Public Works.

VIII. APPROVAL PROCESS

1. The applicant must submit an application to the City's Public Works Department.
2. The applicant and City staff shall meet at the site to determine the appropriate location of the bench.
3. The Director of Public Works will review and approve or deny the proposed bench location and plaque.
4. The City staff will order the bench and plaque and perform the installation.

ATTACHMENT B

The City of Cupertino acknowledges and thanks individuals and institutions who wish to donate a bench. This Application Form is intended to memorialize the understanding between the city and the Donor.

Name: _____ E-Mail: _____

Mailing Address: _____

Home Phone: _____ Mobile Phone: _____

Fax: _____

Requested Location: _____

Memorial Bench Plaque Inscription Request:

In addition to the foregoing, the Donor understands and agrees that:

- a. Once signed, this application serves as an understanding of the Commemorative Bench Dedication Policy and receipt of payment.

Signature: _____ Date: _____

Name (Print): _____

FOR CITY USE ONLY

Approved/Declined by _____ (Name/Title, Council) on _____ (Date).



CITY OF CUPERTINO

Agenda Item

23-12028

Agenda Date: 2/21/2023
Agenda #: 7.

Subject: Consider approval of the January 30 City Council minutes

Approve the January 30 City Council minutes



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Monday, January 30, 2023

SPECIAL MEETING

At 5:30 p.m., Mayor Hung Wei called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue.

ROLL CALL

Present: Mayor Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen and Kitty Moore. Absent: none.

COMMISSION INTERVIEWS

1. Subject: Interview applicants for commission terms expiring on the Housing Commission, Bicycle Pedestrian Commission, Arts and Culture Commission and Technology, Information and Communications Commission
Recommended Action: Conduct interviews and make appointments to the Housing Commission, Bicycle Pedestrian Commission, Arts and Culture Commission and Technology, Information and Communications Commission; and make appointments for any alternates

Written Communications for this item included an amended Attachment A – Interview Schedule and emails to Council.

Mayor Wei opened the public comment period and, seeing no one, closed the public comment period.

Councilmembers asked questions and made comments.

Council interviewed applicants for commission terms expiring on the Housing Commission, Bicycle Pedestrian Commission, Arts and Culture Commission and Technology, Information, and Communications Commission.

Council unanimously consented to make appointments for all commissions with terms expiring after conducting the commission interviews scheduled on January 31.

ADJOURNMENT

At 9:18 p.m., Mayor Wei adjourned the Special City Council Meeting.

Lauren Sapudar, Deputy City Clerk



CITY OF CUPERTINO

Agenda Item

23-12029

Agenda Date: 2/21/2023
Agenda #: 8.

Subject: Consider approval of the January 31 City Council minutes

Approve the January 31 City Council minutes



DRAFT MINUTES
CUPERTINO CITY COUNCIL
Tuesday, January 31, 2023

SPECIAL MEETING

At 5:31 p.m., Mayor Hung Wei called the Special City Council Meeting to order in the Cupertino Community Hall Council Chamber, 10350 Torre Avenue.

ROLL CALL

Present: Mayor Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen and Kitty Moore. Absent: none.

COMMISSION INTERVIEWS

1. Subject: Interview applicants for commission terms expiring on the Library Commission, Planning Commission, and Parks and Recreation Commission
Recommended Action: Conduct interviews and make appointments to the Library Commission, Planning Commission, and Parks and Recreation Commission; and make appointments for any alternates

Written Communications for this item included an amended Attachment A – Interview Schedule and emails to Council.

Mayor Wei opened public comment period and, seeing no one, closed the public comment period.

Councilmembers asked questions and made comments.

Deputy City Clerk Lauren Sapudar clarified that one of the three vacancies on the Arts and Culture Commission should be filled as a partial term, to fill an unexpected vacancy that occurred when a commissioner was terminated.

Council interviewed applicants for commission terms expiring on the Library Commission, Planning Commission, and Parks and Recreation Commission.

Councilmembers discussed the process for ranking candidates.

Council made appointments for the Housing Commission, Arts and Culture Commission, Technology, Information, and Communications Commission, Library Commission, Planning Commission, Bicycle Pedestrian Commission, and Parks and Recreation Commission.

Housing Commission:

Council reappointed Connie Cunningham to a full term ending January 30, 2027 (Wei, Mohan, Fruen, Moore); and appointed Tejesh Mistry as 1st Alternate (Wei, Mohan, Fruen, Moore).

Arts and Culture Commission:

Council appointed Kiran Varshneya Rohra to a full term ending January 30, 2027 (Unanimous); and appointed David Wang to a full term ending January 30, 2027 (Unanimous); and appointed Dana Ford to a partial term ending January 30, 2025 (Unanimous); and appointed Rani Agrawal as 1st Alternate (Unanimous).

Technology, Information, and Communications Commission (TICC):

Council appointed Emma Shearin to a full term ending January 30, 2027 (Wei, Mohan, Fruen); and reappointed Mukesh Garg to a full term ending January 30, 2027 (Wei, Mohan, Fruen, Moore); and reappointed Prabir Mohanty to a full term ending January 30, 2027 (Mohan, Chao, Moore).

Council discussed making appointments for 1st and 2nd Alternate seats.

Chao moved and Moore seconded to appoint Naidu Bollineni as 1st Alternate and Sreekanth (Sree) Bhaskar as 2nd Alternate to the Technology, Information, and Communications Commission. Chao's motion failed with Chao and Moore voting yes.

Fruen moved and Mohan seconded to appoint Sreekanth (Sree) Bhaskar as 1st Alternate and Naidu Bollineni as 2nd Alternate to the Technology, Information, and Communications Commission. Fruen's motion carried with Moore voting no.

Library Commission:

Council appointed Janki Chokshi to a full term ending January 30, 2027 (Unanimous); and reappointed Qin Pan to a full term ending January 30, 2027 (Unanimous); and there were no alternate seat appointments.

Planning Commission:

Council appointed David Fung to a full term ending January 30, 2027 (Wei, Mohan, Fruen); and appointed Seema Lindskog to a full term ending January 30, 2027 (Wei, Mohan, Fruen).

Council discussed appointing for 1st and 2nd Alternate seats.

Fruen moved and Wei seconded to appoint to Tejesh Mistry as 1st Alternate and Geoff Paulsen as 2nd Alternate to the Planning Commission. The motion carried unanimously.

Bicycle Pedestrian Commission:

Council appointed John Zhao to a full term ending January 30, 2027 (Wei, Mohan, Fruen); and appointed Herve Marcy to a full term ending January 30, 2027 (Wei, Fruen, Moore).

Council conducted another voting round to fill the third primary member seat.

Wei moved and Fruen seconded to appoint Joel Wolf as the third primary member to the Bicycle Pedestrian Commission.

Moore moved and Chao seconded a substitute motion to appoint Jack Carter as the third primary member to the Bicycle Pedestrian Commission. Moore's substitute motion failed with Chao and Moore voting yes.

Fruen's main motion carried with Chao and Moore voting no.

Council discussed appointing for 1st and 2nd Alternate seats.

Chao moved and Wei seconded to appoint Jack Carter as 1st Alternate and Sreekanth (Sree) Bhaskar as 2nd Alternate to the Bicycle Pedestrian Commission. Chao's motion carried unanimously.

Parks and Recreation Commission:

Council appointed Jennifer Shearin to a full term ending January 30, 2027 (Wei, Mohan, Fruen); and appointed Hemant Buch to a full term ending January 30, 2027 (Wei, Mohan, Fruen); and appointed Claudio Bono as 1st Alternate (Wei, Mohan, Fruen).

Council discussed appointing for a 2nd Alternate seat.

Fruen moved and Wei seconded to appoint Joseph (Dan) Marshall as 2nd Alternate to the Parks and Recreation Commission.

Moore moved and Chao seconded a substitute motion to appoint Xiangchen (Minna) Xu as 2nd Alternate to the Parks and Recreation Commission. Moore's substitute motion failed with Chao and Moore voting yes.

Fruen's main motion carried with Chao and Moore voting no.

Final Appointments Summary:

Housing Commission

- Connie Cunningham, reappointed to a full term ending January 30, 2027

Alternate

- Tejesh Mistry

Bicycle Pedestrian Commission

- Herve Marcy, appointed to a full term ending January 30, 2027
- Joel Wolf, appointed to a full term ending January 30, 2027
- John Zhao, appointed to a full term ending January 30, 2027

Alternates

- 1st Alternate: Jack Carter
- 2nd Alternate: Sreekanth (Sree) Bhaskar

Arts and Culture Commission

- Kiran Varshneya Rohra, appointed to a full term ending January 30, 2027
- David Wang, appointed to a full term ending January 30, 2027
- Dana Ford, appointed to a partial term ending January 30, 2025

Alternate:

- Rani Agrawal

Technology, Information, and Communications Commission (TICC)

- Emma Shearin, appointed to a full term ending January 30, 2027
- Mukesh Garg, reappointed to a full term ending January 30, 2027
- Prabir Mohanty, reappointed to a full term ending January 30, 2027

Alternates

- 1st Alternate: Sreekanth (Sree) Bhaskar
- 2nd Alternate: Naidu Bollineni

Library Commission

- Janki Chokshi, appointed to full term ending January 30, 2027
- Qin Pan, reappointed to a full term ending January 30, 2027

Alternates

- No Alternates

Planning Commission

- David Fung, appointed to a full term ending January 30, 2027
- Seema Lindskog, appointed to a full term ending January 30, 2027

Alternates

- 1st Alternate: Tejesh Mistry
- 2nd Alternate: Geoff Paulsen

Parks and Recreation Commission

- Hemant Buch, appointed to a full term ending January 30, 2027
- Jennifer Shearin, appointed to a full term ending January 30, 2027

Alternate

- 1st Alternate: Claudio Bono
- 2nd Alternate: Joseph (Dan) Marshall

ADJOURNMENT

At 11:02 p.m., Mayor Wei adjourned the Special City Council Meeting.

Lauren Sapudar, Deputy City Clerk



CITY OF CUPERTINO

Agenda Item

22-11698

Agenda Date: 2/21/2023
Agenda #: 9.

Subject: Consider approval of the February 7 City Council minutes

Approve the February 7 City Council minutes



**DRAFT MINUTES
CUPERTINO CITY COUNCIL**

Tuesday, February 7, 2023

REGULAR MEETING

At 6:45 p.m., Mayor Wei 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.

ROLL CALL

Present: Mayor Hung Wei, Vice Mayor Sheila Mohan, and Councilmembers Liang Chao, J.R. Fruen and Kitty Moore. Absent: none.

Vice Mayor Mohan expressed sympathies to those affected by the earthquakes in Syria and Turkey and Mayor Wei held a moment of silence in their honor.

CEREMONIAL MATTERS AND PRESENTATIONS

1. Subject: Consider a certificate of appreciation to West Valley Community Services Executive Director Josh Selo recognizing his years of service to the community
Recommended Action: Present certificate to West Valley Community Services Executive Director Josh Selo recognizing his years of service to the community

Josh Selo received the certificate of appreciation.

Mayor Wei presented the certificate to West Valley Community Services Executive Director Josh Selo recognizing his years of service to the community.

Mayor Wei opened the public comment period and the following people spoke.

Housing Commissioner Connie Cunningham (representing self) expressed appreciation to Josh Selo for his years of service to the community.

Mayor Wei closed the public comment period.

POSTPONEMENTS AND ORDERS OF THE DAY – None

ORAL COMMUNICATIONS

Housing Commissioner Connie Cunningham (representing self) supported increasing biodiversity and conserving water and restoring nature at Blackberry Farm Golf Course.

Jennifer Griffin supported preserving the Stocklmeir property.

Don Halsey, representing Friends of Blackberry Farm Golf, supported the beneficial role of golf courses in biodiversity and as providing a habitat for bird species. (Submitted written comments).

Chris Noone requested information regarding the Vallco development be made available on the City website.

Lisa Warren presented a book gift to each Councilmember and supported Blackberry Farm Golf Course also providing a natural habitat and biodiversity, and an improved City website.

Brooke Ezzat supported reconsideration of the Memorial Park Plan and increased funding for inclusive playgrounds and opposed some discussion in the February 3 Council Workshop.

Rani Fischer, representing Santa Clara Valley Audubon Society, supported returning Blackberry Farm Golf Course to a natural habitat and preserving biodiversity.

Parks and Recreation Commissioner Jennifer Shearin (representing self) was concerned about emails from Councilmembers stating their position on items not yet voted on by Council.

Planning Commissioner Seema Lindskog (representing self) was concerned about emails from Councilmembers stating their position on items not yet voted on by Council.

Louise Saadati commended members of City staff for their work and supported City Council meetings proceeding in an orderly way.

Eugene Lin supported restoring the Blackberry Farm Golf Course land to a natural habitat and the resulting benefits for families and the environment.

Arjun Krishna opposed the use of herbicides and pesticides at Blackberry Farm Golf Course and supported restoring the land to a natural habitat.

Rhoda Fry supported adding nature to Blackberry Farm Golf Course and providing cost statements for City amenities and opposed Council action at study sessions.

Peggy Griffin supported keeping Blackberry Farm Golf Course open as a biodiversity activity and was concerned about the draft Housing Element being submitted past January 31.

REPORTS BY COUNCIL AND STAFF

2. Subject: Brief reports on councilmember activities and brief announcements
Recommended Action: Receive brief reports on councilmember activities and brief announcements

Council received brief reports on councilmember activities and brief announcements.

3. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

Councilmembers highlighted the activities of their various committees.

4. Subject: Report on Subcommittee assignments
Recommended Action: Report on Subcommittee assignments

There were no reports on Subcommittee assignments.

5. Subject: City Manager update
Recommended Action: Receive City Manager update on City business

Council received the City Manager update on City business.

CONSENT CALENDAR (Items 6-15)

Fruen moved and Mohan seconded to approve the items on the Consent Calendar, except for Items 7, 9, 10, 13, 14, 15 which were pulled for discussion. Ayes: Wei, Mohan, Chao, Fruen, and Moore. Noes: None. Abstain: None. Absent: None.

Wei moved and Mohan seconded to reorder the agenda for those items removed from the Consent Calendar; and move Item 15 after Item 16 and move Items 7, 9, 10, 13, and 14 to the end of the agenda.. Ayes: Wei, Mohan, Chao, Fruen, and Moore. Noes: None. Abstain: None. Absent: None.

6. Subject: Consider approval of the January 17 City Council minutes

Recommended Action: Approve the January 17 City Council minutes

Written Communications for this item included an amended Attachment A - Draft Minutes.

8. Subject: Consider adopting a resolution authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period February 7, 2023 through February 28, 2023 pursuant to the Brown Act, as amended by AB 361
Recommended Action: Adopt Resolution No. 23-022 authorizing continued remote teleconference meetings of the legislative bodies of the City of Cupertino for the period February 7, 2023 through February 28, 2023 pursuant to the Brown Act, as amended by AB 361
11. Subject: Consider the Monthly Treasurer's Investment Report for December 2022
Recommended Action: Receive the Monthly Treasurer's Investment Report for December 2022
12. Subject: Consider the Treasurer's Investment Report for Quarter Ending December 31, 2022
Recommended Action: Receive the Treasurer's Investment Report for Quarter Ending December 31, 2022

SECOND READING OF ORDINANCES – None

PUBLIC HEARINGS

16. Subject: Consider an appeal of the Planning Commission's decision to deny Sign Exception to allow three (3) wall signs where two (2) are permitted and to further allow two (2) of the three (3) wall signs to be oriented towards the freeway on two separate storage facility buildings. (Application No(s): EXC-2022-003; Applicant(s): David Ford, All Sign Services; Location: 20565 Valley Green Dr.; APN: 326-10-044)
Recommended Action: Conduct a public hearing and adopt Resolution No. 23-025 (Attachment A) upholding the appeal in part, approve one of the two-requested freeway-oriented signs, and deny the requested Sign Exception

Written communications for this item included a staff presentation and an applicant/appellant presentation.

Senior Planner Gian Martire gave a presentation.

Applicants David Ford, Permit Expeditor on behalf of Image National Signs, and Brian

Ulrich, VP Acquisitions & Development for Public Storage, gave a presentation.

Councilmembers asked questions and made comments.

Mayor Wei opened the public hearing and the following people spoke.

Housing Commissioner Connie Cunningham (representing self) supported denying the appeal and amending the sign ordinance to clarify light pollution and light trespassing.

Jennifer Griffin supported planting more trees on Highway 280 and denying the appeal.

Lisa Warren supported denying the appeal.

Donna Austin supported approving the signs.

Planning Commissioner Muni Madhhipatla (representing self) supported denying the appeal.

Rani Fischer, representing Santa Clara Valley Audubon Society, supported denying the appeal and opposed allowing illuminated signs on Highway 280.

San R supported denying the appeal and upholding the Planning Commission decision.

Peggy Griffin supported denying the appeal and seeking a scenic highway permit and landscape freeway classification.

Rhoda Fry supported denying the appeal.

Mayor Wei closed the public hearing.

Council recessed from 9:01 p.m. to 9:08 p.m.

Mohan moved and Fruen seconded to adopt Resolution No. 23-025 upholding the appeal in part, approve one of the two-requested freeway-oriented signs, and deny the requested Sign Exception. The motion carried with Moore voting no.

ITEMS REMOVED FROM THE CONSENT CALENDAR

As reordered under Consent Calendar, Item 15 was heard after Item 16.

15. Subject: Consider adopting Cupertino City Council Procedures Manual

Recommended Action: Approve Resolution No. 23-021, adopting Cupertino City Council Procedures Manual

This item was pulled from the Consent Calendar for discussion.

Written communications for this item included a Supplemental Staff Report and emails to Council.

City Attorney Chris Jensen reviewed the staff report.

Mayor Wei opened the public comment period and the following people spoke.

Housing Commissioner Connie Cunningham (representing self) supported adoption of the Council Procedures Manual.

Jennifer Griffin opposed adoption of the Council Procedures Manual.

Bill Wilson supported adoption of the Council Procedures Manual.

Hema Kundargi supported adoption of the Council Procedures Manual.

Lisa Warren supported waiting and further collaboration with the public, Councilmembers, and staff.

Rhoda Fry supported further collaboration and changes to the Council Procedures Manual.

Leslie Crowell supported the process for removing items on the consent calendar by councilmembers.

Louise Saadati supported adoption of the Council Procedures Manual.

Donna Austin supported approval of the Council Procedures Manual.

Dolly Sandoval supported adoption of the Council Procedures Manual.

Rod Sinks supported adoption of the Council Procedures Manual.

Parks and Recreation Commissioner Jennifer Shearin (representing self) supported adoption of the Council Procedures Manual.

Jean Bedord supported adoption of the Council Procedures Manual.

Planning Commissioner Seema Lindskog (representing self) supported adoption of the Council Procedures Manual.

Mayor Wei closed the public comment period.

Councilmembers asked questions and made comments.

Mohan moved and Fruen seconded to Approve Resolution No. 23-021, adopting Cupertino City Council Procedures Manual.

Chao moved and Moore seconded a substitute motion:

Edit 1: Mayor makes recommendation on committee assignments and then approved by the Council. - Long-standing practice in Cupertino and most cities.

Edit 2: Clarify that the City Manager has no authority to dictate what information a Council member is allowed access to through CPRA. - No city anywhere allows the City Manager such authority. - This is the long-standing practice in Cupertino and most cities.

Edit 3: Two Council members can add an agenda item, which should not be removed by the majority. - This is the long-standing practice in Cupertino and most cities.

Edit 4: Allow any member of the public to pull an item off the Consent Calendar in order to make public comments - This is a long- standing practice in Cupertino and most cities,

Edit 5: Follow common parliamentary procedures to only allow "Call the Question" to shut down deliberation only with supermajority vote, rather than allowing the Mayor to do so. - This is a long-standing practice in Cupertino and most cities,

Edit 6: Do not take action in a study session. - This is a long-standing practice in Cupertino and most cities,

Edit 1: 3.1 Appointment. The Mayor ~~shall appoint~~ may make recommendations of Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to approval ~~ratification~~ by the Council ~~at its next regular meeting~~. It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council.

Edit 2: 6.6 Councilmember Access to Information. City Councilmembers have free access to the flow of any information related to the operation of the City. The City Manager shall ensure that such information is communicated by staff in full and with candor to the Council. City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council,

based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed. ~~No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.~~

Edit 3: 7.1 Future Agenda Items. The City Manager, the City Attorney, the Mayor, or any two Councilmembers may request that an item be added to a future agenda for Council action. The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items from the list of future agenda items. ~~Any item may be removed for the future agenda items list by a majority vote of the City Council.~~

Edit 4: ~~8.4.2 Removing Item from Consent Calendar. Items may be removed the consent calendar only by a member of the City Council.~~ Any member of the City Council who would like to remove any item from the consent calendar shall notify the City Manager and the City Clerk prior to the meeting; provided, however, each Councilmember may remove one item from the consent calendar without providing notice before the Council meeting begins. Although members of the City Council are encouraged to ask questions and share concerns about the agenda item with staff before the meeting, they are not required to do so. Items removed from the consent calendar shall be placed at the end of the agenda for consideration.

Edit 5: 8.8.3 Council Questions and Deliberations. Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. ~~The Mayor may allow additional time for questions where appropriate. This rule shall displace any conflicting rule in the City's adopted rules of procedure.~~ Rosenberg's Rule, as adopted in Resolution No. 2018-114 shall be followed, where only a supermajority vote would approve "Call for Question" to shut down deliberation.

Edit 6: (Add Item 8.8.7) Study Sessions are meetings during which the Council receives information about City business in an informal setting. The informal study session setting is intended to encourage in-depth discussion and detailed questioning and brainstorming by Council on issues of significant interest, including City policy matters, zoning applications, and major public works projects. The Council may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring matters back for future Council consideration as no action can be taken at a study session.

Chao's substitute motion failed with Chao and Moore voting yes.

Moore moved and Chao seconded a substitute motion:

6.6 Councilmember Access to Information. Last sentence: ~~No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.~~

7.5 Agenda Publication. Agenda packets for a regular meeting should be published and delivered to Councilmembers no later than ~~the Wednesday~~ ten days prior to a Tuesday Council meeting.

8.4.2 Removing Item from Consent Calendar. ~~Items may be removed from the consent calendar only by a member of the City Council...., however, each Councilmember may remove one item from the consent calendar without providing notice before the Council meeting begins.~~

Moore's substitute motion failed with Chao and Moore voting yes.

Chao moved and Moore seconded a substitute motion:

Edit 2: 6.6 Councilmember Access to Information. City Councilmembers have free access to the flow of any information related to the operation of the City. The City Manager shall ensure that such information is communicated by staff in full and with candor to the Council. City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed. ~~No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.~~

Edit 5: 8.8.3 Council Questions and Deliberations. Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. ~~The Mayor may allow additional time for questions where appropriate. This rule shall displace any conflicting rule in the City's adopted rules of procedure. Rosenberg's Rule, as adopted in~~

Resolution No. 2018-114 shall be followed, where only a supermajority vote would approve "Call for Question" to shut down deliberation.

Chao's second substitute motion failed with Chao and Moore voting yes.

Moore made a friendly amendment to Mohan's main motion for Council to revisit the item in six months. (Mohan and Fruen accepted Moore's friendly amendment).

Mohan's main motion carried as amended with Chao and Moore voting no.

Final Motion:

Mohan moved and Fruen seconded to approve Resolution No. 23-021, adopting Cupertino City Council Procedures Manual with an amendment for Council to revisit the item in six months. The amended motion carried with Chao and Moore voting no.

Council recessed from to 9:49 p.m. to 10:54 p.m.

ORDINANCES AND ACTION ITEMS

17. Subject: Consider approval of response to 2022 Civil Grand Jury of Santa Clara County Report entitled, "A House Divided"
Recommended Action: Approve response to 2022 Civil Grand Jury of Santa Clara County Report entitled, "A House Divided"

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

City Attorney Chris Jensen gave a presentation.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period and the following people spoke.

Connie Cunningham supported the draft response and staff's recommendations.

Jennifer Griffin opposed some of the Grand Jury report findings.

Louise Saadati supported following the Grand Jury recommendations and staff recommendation.

Peggy Griffin supported staff's clarifications and responding to the report, opposed some report findings, and was concerned about some of the responses.

Donna Austin supported responding to the report and addressing the findings and recommendations.

Rod Sinks supported the Grand Jury report and modifications to the draft response to the findings.

Housing Commissioner Tessa Parish (representing self) opposed some of the report findings.

Sean Hughes supported Council action towards reform as a partial response to the report and considering the report findings and recommendations.

Parks and Recreation Commissioner Jennifer Shearin (representing self) supported consideration of the report findings and modifications to the report responses.

Mayor Wei closed the public comment period.

Fruen moved and Wei seconded to table the discussion for this item and discuss the continuation of the remaining items that were removed from the Consent Calendar. The motion carried with Moore voting no.

Fruen moved to reorder the agenda to consider the Consent Calendar items that were pulled for discussion. There was no second and Council did not consider the motion.

18. Subject: Consider scheduling a study session to refine research scope regarding placing a potential vacancy tax ballot measure in the upcoming election
Recommended Action: Direct staff to 1) proceed or 2) not proceed with necessary research regarding preparing a study session on vacancy tax

Director of Administrative Services Kristina Alfaro reviewed the staff report.

Councilmembers asked questions and made comments.

Mayor Wei opened the public comment period and the following people spoke.

Moore moved and Chao seconded to direct staff to provide data for the cost of adding a vacancy tax ballot measure for the 2024 General Election and the vacancy rate within the City.

Jennifer Griffin supported taxing vacant homes and proceeding with the necessary

research.

Lisa Warren supported proceeding with the necessary research, including red-tagged homes and a housing inventory.

Housing Commissioner Connie Cunningham (representing self) supported State actions on Housing and consideration of an appropriate tax.

Council paused public comment to decide whether to extend the meeting and allow additional speakers. Fruen moved and Mohan seconded to extend the meeting and finish consideration of the item. The motion carried unanimously.

Peggy Griffin supported preparing study session on a vacancy tax in Cupertino.

Donna Austin was concerned about citizen reporting and privacy and supported alternative taxes.

Sean Hughes was concerned about citizen reporting and the cost benefit and supported stronger policies and alternatives.

Housing Commissioner Tessa Parish (representing self) supported preparing a study session on vacancy tax.

Mayor Wei closed the public comment period.

Chao moved and Moore seconded a substitute motion to direct staff to schedule a study session on a vacant property registration and rental unit registration. Chao's substitute motion failed with Chao and Moore voting yes.

Final Motion:

Wei moved and Mohan seconded a substitute motion to direct staff to not proceed with preparing a study session on a vacancy tax. Wei's substitute motion carried with Chao and Moore voting no.

ITEMS REMOVED FROM THE CONSENT CALENDAR

As reordered under Consent Calendar, Items 7, 9, 10, 13, and 14 were moved to the end of the agenda.

7. Subject: Consider approval of the January 25 City Council minutes
Recommended Action: Approve the January 25 City Council minutes

This item was pulled from the Consent Calendar for discussion.

Written Communications for this item included an amended Attachment A - Draft Minutes.

This item was continued to the February 21 City Council meeting.

9. Subject: Consider ratifying Accounts Payable for the period ending November 13, 2022
Recommended Action: Adopt Resolution No. 23-023 ratifying Accounts Payable for the period ending November 13, 2022

This item was pulled from the Consent Calendar for discussion.

Written Communications for this item included an email to Council.

This item was continued to the February 21 City Council meeting.

10. Subject: Consider the Monthly Treasurer's Report for December 2022
Recommended Action: Receive the Monthly Treasurer's Report for December 2022

This item was pulled from the Consent Calendar for discussion.

Written Communications for this item included an email to Council.

This item was continued to the February 21 City Council meeting.

13. Subject: Consider adoption of a resolution establishing the Commemorative Bench Dedication Policy and waiving the commemorative fee for Marilyn Francesco
Recommended Action: Adopt Resolution No. 23-024 (Attachment A) establishing the Commemorative Bench Dedication Policy and allow a one-time waiver of the policy for Marilyn Francesco

This item was pulled from the Consent Calendar for discussion.

Written communications for this item included two Supplemental Memos with answers to Councilmember questions, including Attachments 1-8 examples from other cities, 9. Memorial Bench Policies Summary, 10. Policy for Accepting Donations, 11. Amended Naming of City Facilities Policy, 12. Council Resolution No. 03-162, 13. 6-2-15 Council agenda packet item for Mrs. Virginia Logan, and 14. 09-06-16 Council agenda packet item for Erik Chen.

This item was continued to the February 21 City Council meeting.

14. Subject: Informational memorandum regarding retail square footage analysis of Main Street

Recommended Action: Receive the informational memorandum on the retail square footage analysis and the provisions for restaurant use at the Main Street Cupertino project

This item was pulled from the Consent Calendar for discussion.

Written communications for this item included emails to Council.

This item was continued to the February 21 City Council meeting.

ORAL COMMUNICATIONS - CONTINUED (As necessary) - None

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

Council did not hear this item.

ADJOURNMENT

At 12:21 a.m., on Wednesday, February 8, Mayor Wei adjourned the Regular City Council Meeting.

Kirsten Squarcia, City Clerk



CITY OF CUPERTINO

Agenda Item

23-12036

Agenda Date: 2/21/2023
Agenda #: 10.

Subject: Consider approval of response to 2022 Civil Grand Jury of Santa Clara County Report entitled, "A House Divided" (continued from February 7)

Approve response to 2022 Civil Grand Jury of Santa Clara County Report entitled, "A House Divided"

Presenter: Christopher Jensen, City Attorney



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CITY COUNCIL STAFF REPORT

Meeting: February 21, 2023

Subject

Consider approval of response to the 2022 Civil Grand Jury of Santa Clara County Report entitled "A House Divided: Cupertino City Council and City Staff"

Recommended Action

Approve the response to the 2022 Civil Grand Jury of Santa Clara County Report entitled "A House Divided: Cupertino City Council and City Staff"

Reasons for Recommendation

On February 7, 2023, the City Council received a staff report ([Attachment A](#)) and presentation regarding the 2022 Civil Grand Jury of Santa Clara County Report entitled "A House Divided: Cupertino City Council and City Staff" ([Attachment B](#)) and deliberated regarding the City's response to the report. A draft response is provided for Council's further consideration ([Attachment C](#)). The draft response has been revised to reflect the fact that the last of nine financial policies listed in the high-risk category for review by the internal auditor was provided to the internal auditor for review in January 2023. No other revisions to the proposed response have been made since the February 7 meeting.

Pursuant to California Penal Code section 933(c), the City must respond to the Grand Jury Report's findings and recommendations by March 20, 2023. If approved by the City Council, the response to the Grand Jury Report will be submitted to the Presiding Judge of the Santa Clara County Superior Court before the response deadline.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

California Environmental Quality Act

Not applicable.

Prepared by: Christopher D. Jensen, City Attorney

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – February 7, 2023 Staff Report

B – Civil Grand Jury of Santa Clara County Report

C – Draft Response to Civil Grand Jury of Santa Clara County



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CITY COUNCIL STAFF REPORT

Meeting: February 7, 2023

Subject

Consider approval of response to the 2022 Civil Grand Jury of Santa Clara County Report entitled "A House Divided: Cupertino City Council and City Staff"

Recommended Action

Approve the response to the 2022 Civil Grand Jury of Santa Clara County Report entitled "A House Divided: Cupertino City Council and City Staff"

Discussion

On December 19, 2022, the 2022 Civil Grand Jury of Santa Clara County released a report on various aspects of governance in the City of Cupertino (Attachment A). Topics discussed in the Grand Jury Report include:

- Councilmanic interference and mutual distrust between Council and staff
- Failure to provide monthly treasury reports in compliance with Government Code section 41004
- Fiscal and risk management issues
- City staff turnover
- The City's Ethics Policy

The preparation of monthly treasurer reports was addressed in a separate Grand Jury Report released on December 14, 2022 and in the City's response to that report dated January 18, 2023.

The December 19 Grand Jury Report includes the following findings and recommendations:

Finding 1

The City has a culture of distrust between the councilmembers and City staff that is creating dysfunction.

Recommendation 1

The City should develop or acquire a good governance training and development program for both existing and newly elected councilmembers and existing and new staff members to address: (i) their role, responsibilities, and the relevant laws that specify and/or limit their function; (ii) the division of responsibilities between councilmembers and staff as directed by the Cupertino Municipal Code; and (iii) the necessity of morale building to create a stronger, more effective, and respectful relationship between City staff and councilmembers. Recommendation 1 should be implemented by March 31, 2023.

Finding 2

The dysfunction prevalent between the City Council and City staff has negatively impacted City operations, including the continuing loss of skilled and experienced personnel. The City has a reputation of having a difficult work environment, making recruiting of highly qualified applicants difficult.

Recommendation 2

The City should hire a consultant to study staff morale and make recommendations to improve retention of employees and quality of the working environment. To the extent legally permissible, the study and recommendations should be published for public review. Recommendation 2 should be implemented by July 31, 2023.

Finding 3

The City has not taken sufficient steps to improve the City's financial risk profile as recommended by its retained Internal Auditor.

Recommendation 3a

The City should implement the work plan identified in the May 2022 Fiscal Policy Inventory and Gap Analysis Report developed by the City's internal audit firm, Moss Adams LLP, to address policy and procedural gaps and weaknesses. Recommendation 3a should be implemented by July 31, 2023.

Recommendation 3b

The City should employ the use of continuing annual internal audits to assess progress in the development and implementation of new or modified policies and procedures to comply with internal audit risk reduction and mitigation recommendations. Recommendation 3b should be implemented by July 31, 2023.

Finding 4

A comprehensive Code of Ethics not only provides guidance and baseline standards for ethical behavior, it includes sanctions and consequences for

deviations from the standard. The City's Ethics Policy is generic and lacks enforcement provisions and therefore fails to provide a framework to address ramifications for policy violations.

Recommendation 4a

The City should establish an independent Public Ethics Commission with guidance from experts in applied ethics, such as the Markkula Center for Applied Ethics at Santa Clara University, to: (i) develop and implement a robust government ethics training program for all councilmembers; and (ii) evaluate a best practices enforceable Code of Ethics and Conduct Policy that governs all councilmembers and appointed officials for consideration by the City Council. This recommendation should be implemented by March 31, 2023.

Recommendation 4b

The City should reinstate enforcement procedures to enable the City Council and the public to file complaints and testify at public hearings to help remediate ethics violations. This revision should include a procedure for public admonishment, revocation of special privileges, or censure. This recommendation should be implemented by March 31, 2023.

Recommendation 4c

The City Council should engage a conflict resolution professional to help enhance mutual understanding and respect amongst all stakeholders. This recommendation should be implemented by January 31, 2023, and should be repeated at least once per year.

Recommendation 4d

The City should publish its current Ethics Policy on the City website by January 31, 2023.

Pursuant to California Penal Code section 933(c), the City must respond to the Grand Jury Report's findings and recommendations by March 20, 2023. A draft response for the City Council's consideration is included as Attachment B. The proposed response focuses on the findings and recommendations made by the Grand Jury and does not evaluate the accuracy of other factual conclusions in the Grand Jury Report. Staff seeks Council input into the draft response and regarding implementation of the Grand Jury's recommendations. With the exception of recommended revisions to the Ethics Policy, much of the content of the recommendations is consistent with policy direction that Council has previously provided or operational actions that have been or will be undertaken by the City Manager. If approved by the City Council, the response to the Grand Jury Report will be submitted to the Presiding Judge of the Santa Clara County Superior Court before the response deadline.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

Prepared by: Christopher D. Jensen, City Attorney

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A - Civil Grand Jury of Santa Clara County Report

B – Draft Response to Civil Grand Jury of Santa Clara County

A HOUSE DIVIDED: CUPERTINO CITY COUNCIL AND CITY STAFF



2022 Santa Clara County
Civil Grand Jury

December 19, 2022

TABLE OF CONTENTS

GLOSSARY AND ABBREVIATIONS 2

SUMMARY 3

BACKGROUND 4

METHODOLOGY 6

INVESTIGATION..... 7

CONCLUSION 14

FINDINGS AND RECOMMENDATIONS 15

REQUIRED RESPONSES..... 17

APPENDIX A 18

APPENDIX B 32

APPENDIX C..... 47

REFERENCES..... 50

GLOSSARY AND ABBREVIATIONS

General Law City

A city whose government structure and powers are defined by the general law of the state. This is in contrast with a charter city whose government structure and powers are defined by a city charter.

California Public Records Act

The California Public Records Act (Government Code section 6250 et seq.) allows the public to request access to government records, unless such records are exempt by law from disclosure.

Councilmanic Interference

Councilmanic Interference refers to a councilmember's attempts to thwart the principles of the council-manager form of government management.

SUMMARY

The 2022 Santa Clara County Civil Grand Jury (Civil Grand Jury) received multiple complaints concerning the behavior of the City of Cupertino (City) councilmembers toward City staff. The essence of these complaints focused on an adversarial relationship existing between the Cupertino City Council (City Council) on the one hand and City management and staff on the other. Complainants alleged: (1) councilmembers interfered in the day-to-day operations of the City; (2) councilmembers routinely berated and belittled presentations made by City staff during City Council meetings; and (3) certain councilmembers gave direct work assignments to City employees, thwarting the requirements of the Council-Manager form of government.

Throughout its investigation, the Civil Grand Jury learned of the existence of distrust and fear among City staff of councilmembers. Generally, each side took issue with the other, laying blame back and forth over multiple complaints. The Civil Grand Jury was provided with repeated examples of councilmembers behaving inappropriately toward the City Manager and staff including, but not limited to, routine disrespect and the inclination to doubt the accuracy of the City staff's work. The Civil Grand Jury found that the behavior by certain councilmembers towards City staff directly violated the City's ordinances relating to the council-manager form of government under which the City operates.

Furthermore, high turnover in key management and leadership positions within City government has caused the City to lose employees with significant capabilities and experience and, in some cases, leave key positions unfilled. These issues adversely impact the City's ability to best serve the community and effectively operate the City. Additionally, the City's designated Internal Auditor, Moss Adams LLP, identified numerous areas where the City had critical deficiencies, including that the City has weak or nonexistent internal financial controls and inadequacies in existing operating policies and procedures. Many of these deficiencies have existed for several years and pose potentially serious future operating and financial risks to the City as it pursues significant growth projects. The City Council's Audit Committee has implemented a work plan designed to address identified areas of fiscal risk and weak or absent internal controls, but there is no evidence in City Council meeting minutes that the plan has been vetted by the City Council.

BACKGROUND

Governance

The City is a general law city whose form of government is governed by California Government Code sections 36501 to 36525. General law cities, while complying with state mandates, may adopt ordinances that provide specific requirements related to the operation of the city. To this end, the City of Cupertino Municipal Code (“Cupertino Municipal Code”) includes the following provisions:

- (1) Chapter 2.48 – Departmental Organization
- (2) Chapter 2.17 – City Council/City Staff Relationships

The City has chosen to operate under the Council-Manager form of government, which separates the operational responsibilities assigned to the City Manager from the governance and oversight responsibilities assigned to the Mayor and Councilmembers. Cupertino Municipal Code chapters 2.17 and 2.48 explicitly establish the roles of the City Manager, certain key staff, and the councilmembers.

Pursuant to Cupertino Municipal Code section 2.17.010, councilmembers (including the mayor) are prohibited from attempting to influence City staff’s administrative responsibilities. :

Under the Council/Manager form of government neither the City Council, nor individual Council members, can give orders to any subordinates of the City Manager. The City Manager takes his or her orders and instructions from the City Council only when given at a duly held meeting of the City Council. *No individual council member can give any orders or instructions to the City Manager.* [Emphasis added]

Cupertino Municipal Code section 2.17.032 expressly states that “Individual Council members shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council.” As Cupertino Municipal Code section 2.17.020 provides, the intent and purpose of this requirement are to ensure that control and direction of the City are maintained by the City Council as a whole as opposed to individual councilmembers; and to protect City staff from “undue influence” from individual councilmembers so that City staff can execute priorities given by management and the City Council as opposed to individual councilmembers. Further, the City Council – as opposed to individual City councilmembers – retains “the full power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business” through the City Manager. (Section 2.17.031)

Councilmanic Interference

Councilmembers engaging in the type of conduct outlined above are committing “councilmanic interference.” Councilmanic interference is a violation of the Council-Manager form of government, as established by Cupertino Municipal Code section 2.28.50:

A HOUSE DIVIDED

The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. The City Manager shall take his or her instructions from the City Council only when given at a duly held meeting of the City Council, and no individual councilperson shall give any instructions to the City Manager.

While councilmembers are prohibited from giving orders to subordinates of the City Manager, Cupertino Municipal Code section 2.17.034 expressly allows councilmembers to get information from City staff, which does not qualify as councilmanic interference:

Individual Council members as well as the City Council as a whole, have complete freedom of access to any information requested of staff (except information which is otherwise protected by law from disclosure) and will receive the full cooperation and candor of City staff in being provided with any requested information. Information sought by an individual council member may, at the discretion of the City Manager, be automatically provided to the City Council as a whole. In exercising this discretion, the City Manager will consider whether the information is significant or new or otherwise not available to the Council or is of interest to the Council.

Further, Cupertino Municipal Code section 1.12.010 makes it unlawful for any person to violate a mandatory provision of the code, which can be a misdemeanor. Section 1.12.010 states:

It is unlawful for any person to perform any act that is prohibited, made or declared to be unlawful or an offense by the code, or to violate any provision or fail to comply with any of the requirements of this code. A violation of any provision or failing to comply with any of the mandatory requirements of the code shall constitute a misdemeanor, except where the violation is specifically declared to be an infraction.

METHODOLOGY

The investigation process undertaken by the Civil Grand Jury included interviews with councilmembers, past and present City officials, and the Audit Committee of the City Council. Additionally, the Civil Grand Jury watched recordings of several City Council meetings; researched and reviewed the state statutes governing the structure and operation of general law cities; researched and reviewed relevant provisions of the Cupertino Municipal Codes that describe City operations and City Council structure and responsibilities; and engaged in research that produced numerous documents supporting the findings and recommendations in this report.

The investigation focused on four critically important areas: (1) councilmanic interference by councilmembers with City management and staff; (2) operational and fiscal risk management concerns; (3) behavior dysfunction leading to failures in governance; and (4) the lack of an Ethics and Code of Conduct Policy with enforcement provisions. As a result of this investigation, the Civil Grand Jury developed several findings and recommendations to address the identified areas of dysfunction.

INVESTIGATION

Councilmanic Interference and Mutual Distrust

The Civil Grand Jury learned that City staff are routinely criticized, ridiculed, and embarrassed during public meetings, leading City staff not to trust councilmembers. A careful review of several recorded City Council meetings confirmed the existence of adversarial and dysfunctional behavior toward City staff exhibited by some City councilmembers. At the same time, it was also noted that some councilmembers have been concerned about the difficulty in obtaining accurate and timely information on City operations considered important in performing City Council governance and oversight responsibilities. The dysfunctional relationship between City management and some councilmembers has created an environment of distrust.

As described above, there is a difference between ordering or directing City staff – which qualifies as councilmanic behavior – and requesting information, which is expressly permitted by the Cupertino Municipal Code. The Civil Grand Jury heard multiple complaints and various examples of conduct that councilmembers viewed as permissible information requests, but City staff believed were councilmanic interference. Councilmembers do communicate directly with City staff seeking information. This is permissible; however, individual councilmembers cannot, in this context, influence staff decisions, workloads, schedules, or department priorities without prior knowledge and approval of the City Council because that kind of conduct qualifies as councilmanic interference. It is easy to see how a direct request for information from a councilmember might have the impact of influencing workloads, requiring staff to work overtime, or readjusting staff priorities, which is the concern of City staff. It is also possible that the councilmember might not know or appreciate the impact of the information request.

Thus, there is a lot of gray area between information requests and information requests that have a more councilmanic spirit. As the Civil Grand Jury learned, some of the councilmembers' requests have been voluminous or come on the heels of the councilmembers' specific dissatisfaction with a staff report on a certain subject and, thus, appear punitive as opposed to a genuine information request. Some councilmembers, not getting the information they need, have resorted to submitting Public Records Act requests to the City Clerk to obtain specific information from City staff. This is unusual because Public Records Act requests are commonly made by the public, not by councilmembers. It is easy to see how City staff view this practice as an aggressive tactic by the councilmembers. On the other hand, some City staff have resisted individual councilmembers' direct requests for detailed information or reports that they believe should have come through the City Manager and represent councilmanic interference. This is also frustrating for the councilmember who is charged with governing and must be informed to make important decisions about the direction of the City. Parsing out who is right or wrong in this landscape does not solve the core problem of distrust and resulting dysfunction.

A HOUSE DIVIDED

The Civil Grand Jury learned of a few instances of more blatant councilmanic conduct. Councilmember Kitty Moore questioned a subordinate of the City Manager about charges the staff member incurred on a City credit card. The staff member presented an explanation of the charges. Councilmember Moore did not accept the explanation and requested copies of the documentation to pursue her own investigation. Any irregularities or policy violations related to City credit use are squarely within the purview of the City Manager. Direct councilmember involvement violates the City Municipal Code prohibiting councilmembers from involving themselves in the day-to-day operations that are clearly the responsibility of the City Manager.

The Civil Grand Jury also learned through different sources that Mayor Darcy Paul directed a City staff member to assist with an event. The Mayor asserted that the City staff member had “volunteered” to help during a ribbon-cutting ceremony and therefore, such assistance did not amount to a directive as prohibited by City ordinance. The Mayor failed to recognize the powers at play--the inherent difference in stature--when a councilmember asks staff to attend functions outside their normal work responsibilities. On two separate occasions, Mayor Paul asked other City staff to work at events that were not part of official City business and occurred after working hours. For one such event, the Mayor made the request by personally calling the staff members. Such requests by councilmembers should be made through the City Manager.

Another source of distrust between the City Council and City staff involves renovations to City Hall. Further, City staff voiced concern that their workplace, City Hall, had not been renovated and seismically improved. Although the 2015 City Council allocated funds for the renovation, the monies were subsequently redirected to expand the City Library. Certain staff regard the present City Council’s unwillingness to fund the renovation as confirmation that their health and safety concerns are not a priority.

Trust between the City Council and the City Manager and staff is essential to the effective operation of the City. The Civil Grand Jury investigation and interviews revealed that little trust exists between the City’s staff and councilmembers. In many instances the distrust is mutual. The combination of poor relationships and strained communication between these two groups has created several critical problem areas in the functioning of City government and the ability of the City Council to provide the leadership and meaningful oversight that is the core of good governance.

Failure to Produce Treasurer’s Report

Earlier this year, the Civil Grand Jury investigated the lack of financial reporting as mandated by state law. In a separate report entitled “Show Me the Money: Financial Transparency Needed,” the Civil Grand Jury responded to a complaint that the City was in breach of its ordinance to produce monthly treasurer’s reports. During the investigation of the missing treasurer’s reports, the City Manager resigned unexpectedly in June of 2022.

A HOUSE DIVIDED

Cupertino Municipal Code section 2.24.030 (“Monthly Reports”) states:

The Treasurer shall make monthly reports which conform to the requirements of [California] Government Code Section 41004. Said reports shall be delivered to the City Council, the City Manager and made available for review by such other persons who may so request.

Despite the legal requirement to comply with Government Code section 41004, no City staff member was preparing and delivering a monthly treasurer’s report. When this issue was raised during an Audit Committee meeting, the rationale provided by City staff was that many of the surrounding cities do not comply with this requirement. Absence of the monthly treasurer’s report impaired the councilmembers’ ability to fully exercise fiscal oversight.

It took a few months for City staff to comply with the law. The Civil Grand Jury investigation into this issue revealed that the City finance department is now producing the treasurer’s report required under California Government Code section 41004 and Cupertino Municipal Code section 2.24.030. Nonetheless, the City staff’s disregard of this City ordinance in the past added to the perception of City Council that staff was not competently fulfilling their job responsibilities.

Fiscal and Risk Management Issues

Fiscal and financial risk management oversight is a key area of responsibility of every city council. Good governance requires that city councils routinely review the financial operations of the city, identify areas of weakness and/or risk, and oversee effective policies and procedures for implementation by city managers. Addressing financial issues in a timely manner is an essential component of a city council’s exercise of its oversight responsibilities.

Operationally, the scheduled and repetitive use of internal audits is an effective tool for the discovery of financial management and internal control issues. Audits provide the best means of measuring consistent progress in mitigating weaknesses and identifying gaps through implementation of council-directed and -approved policies and procedures designed to address any identified issues.

The Civil Grand Jury learned of the existence of a 14-year embezzlement scheme by a former City staff member of almost \$800,000 that purportedly occurred between 2000 and 2014. Further investigation revealed that after the discovery of the embezzlement scheme in 2014, no financial policy or procedural changes were developed and implemented by the City.

The City contracts with Moss Adams LLP (Auditor) to serve as the City’s Internal Auditor. Leading up to December of 2020, the Auditor undertook a comprehensive risk assessment evaluation of all departments and their respective functions across the entirety of the City’s organization. Although their audit report identified several areas of concern, including internal financial controls, the Civil Grand Jury learned that the City did not take any appreciable steps to

A HOUSE DIVIDED

remedy these concerns. The City Council did, however, call for a more detailed audit of financial operations and risk. That led to another audit in Spring 2022, which resulted in a report entitled “City of Cupertino: Fiscal Policy Inventory and Gap Analysis,” dated May 5, 2022. That report was presented by the City staff to the Council on July 19, 2022. The audit report included in its findings a policy and procedure work plan covering areas of identified financial risk. Also included in the Auditor’s findings was a detailed “Summary of Recommendations” referencing high-risk areas that require immediate City Council attention and remediation. The following chart, prepared by the Auditor, sums up the deficiencies by area, including eight areas that the Auditor described as high risk:

Policy Area	Type of Gap	Associated Risk	Recommended Priority Level
Accounting and Financial Reporting	Major Gaps	High	1
Accounts Payable	Full Gap	High	1
Budgeting	Major Gaps	High	1
Capital Assets	Major Gaps	High	1
Cash Management	Major Gaps	High	1
Payroll and Timekeeping	Full Gap	High	1
Procurement	Major Gaps	High	1
Revenue and Accounts Receivable	Full Gap	High	1
Debt Management/Tax Bond Compliance	Major Gaps	Medium	2
Gifts and Donations	Major Gaps	Medium	2
Grant Management	Full Gap	Medium	2
Investment Management	Minor Gaps	Medium	2
Credit Cards	Minor Gaps	Low	3
Inventory	Full Gap	Low	3
Travel and Expense Reimbursement	Minor Gaps	Low	3

Figure 1. Prioritized Policies and Procedures Work Plan

The full report is attached as [Appendix A](#).

In sum, two separate audit reports dated December 2020 and May 2022, both commissioned by the City, included sets of recommendations to strengthen operating policies, procedures, and

A HOUSE DIVIDED

internal controls. The Civil Grand Jury learned that few, if any, of those recommendations have been implemented for reasons that remain unclear. Past and present key staff offered no clarity on how the City addressed or intends to address the well-developed Moss Adams internal audit recommendations.

The Civil Grand Jury learned that the City Council's Audit Committee has been meeting and discussing the audit reports. The Civil Grand Jury investigated the functions and responsibilities assigned to the Audit Committee, which exists as a subcommittee of the City Council. These functions and responsibilities are identified on the City of Cupertino website as follows (also refer to Cupertino Municipal Code section 2.88.100):

- To review the annual audit report and management letter
- To recommend appointment of internal/external auditors
- To review the monthly Treasurer's Report
- To recommend a budget format
- To review City investment policies and internal controls of such policies
- To review internal audit reports
- To review quarterly Fraud, Waste, and Abuse Program reports

Audit committee operating procedures require members, among other responsibilities, to assess the internal audit findings and recommendations and submit their analysis and recommendations to the City Council for discussion and action. The Auditors attend and participate in the City Council Audit Committee meeting, and their reports, findings, and recommendations are provided directly to the Audit Committee for discussion and development of recommended actions.

However, it remains unclear to the Civil Grand Jury whether the City is addressing the fiscal risks identified in the May 5, 2022, Auditor report. The Audit Committee meets regularly and the minutes reflect that there is a workplan. In May 2022, the status of the Audit Committee's work was on the City Council agenda, but that meeting was later canceled. The Civil Grand Jury could find no evidence in the City Council minutes that the City Council had discussed the risk reduction work plan or had authorized the City Manager to proceed with its implementation. This is concerning because the financial control issues have long been known to the City and yet questions directed to councilmembers, Audit Committee members, and relevant City staff failed to provide assurance that the City Council has prioritized the efforts of the Audit Committee or evaluated and approved a work plan to address the audit deficiencies.

City Staff Turnover

The Civil Grand Jury learned of an abnormally high turnover rate among City staff, including key top staff positions. For example, half of the Planning Division and 60 percent of senior management staff have left the City since January 2022. The City has had four city managers from

June 2019 to the present. The most recent City Manager appointment took place on August 29, 2022. The high turnover in key management positions increases the risk of operational errors and oversights. It also reduces the level of institutional memory and process knowledge that facilitates the efficient and timely flow of work throughout the City's several departments.

High turnover also brings in new employees, some of whom are unlikely to be familiar with the City's specific operational policies and procedures and therefore require higher levels of training and closer supervision to become proficient in their work assignments. Several of the interviews undertaken by the Civil Grand Jury confirmed that high staff and management turnover reduced the operating efficiency of City government. Further, the Civil Grand Jury learned that this high turnover rate has negatively impacted the City's reputation and in turn, has led to its inability to attract qualified people for some key staff and management positions. Interviewees cited turnover as a continuing operational problem.

Some councilmembers indicated that the high turnover was more a function of individual retirements and people seeking better, higher-paying positions. Documents researched and reviewed by the Civil Grand Jury provided information that did not fully support these conclusions. For example, the City of Cupertino salary structure for staff and management is competitive with equivalent positions in other nearby cities. And witnesses confirmed that much of the turnover was due to some councilmembers' contentious behavior and direct interference in City operations and staff assignments.

Interviews with current and former City managers confirmed that some City councilmembers inserted themselves in the process of recruiting and hiring for open positions within the City. The belief by City staff that their work is unappreciated and devalued by councilmembers perpetuates the open and public conflict between the City Council and City staff. Such behavior makes it highly likely that management turnover will continue.

Effective local government depends upon hiring and retaining qualified staff and management and electing councilmembers dedicated to functioning in a manner that best serves their constituents. The City, according to several interview statements, has developed a reputation of having a difficult work environment, making recruiting of highly qualified applicants difficult.

Ethics Policy

In a City Council vote on January 15, 2019, the City Council rescinded its Code of Ethics and Conduct that had just been voted on and passed the prior November. A year later, in January 2020, the City Council adopted a new Ethics Policy. The Civil Grand Jury has many concerns about the new Ethics Policy.

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First, unlike the rescinded version, the current Ethics Policy is less comprehensive and ignores the subject of councilmanic interference found in the rescinded version. Thus, there are significantly fewer ethical requirements and standards for councilmembers.

Second, the current version of the Ethics Policy contains no enforcement provisions that would allow action(s) to be taken against councilmembers or City officials who violate behavioral or performance requirements. The Civil Grand Jury reviewed the City's current Ethics Policy against those of comparable cities. Noticeably missing were enforcement provisions that enabled the public, councilmembers, and staff to report policy violations or other misconduct.

Enforcement provisions are needed to:

- Provide guidelines to address misconduct and inappropriate behavior
- Implement appropriate disciplinary action when necessary, including warnings, sanctions, censure, and termination
- Define steps to take depending upon the nature of the violation, prior violations by the same individual, and other factors that could bear upon the seriousness of the violation

In the absence of enforcement provisions, the City's barebones Ethics Policy is ineffective in remediating problematic staff and councilmember actions and behaviors. Adopting a more comprehensive ethics policy is important to enable the City Council to execute its assigned responsibilities for effective governance, operational oversight, and risk mitigation.

Third, the Ethics Policy is not available to the public online. This lack of transparency is unusual for City government. Further, the lack of a publicly available Ethics Policy reduces the likelihood that councilmembers will be held accountable by the public for violations of the policy. The 2018 and 2020 versions of the City's Ethics Policy are attached as [Appendix B](#) and [Appendix C](#), respectively.

Fourth, the year-long gap during which the City had no ethics policy is a concern.

Last, it seems that the rationale for creating a policy with generic ethics goals and no enforcement provisions was to avoid accountability. One councilmember interviewed expressed the opinion that the old policy did not provide enough flexibility. Another councilmember suggested that the old Ethics Policy was too restrictive. No City councilmembers could explain why the replacement Ethics Policy does not contain any enforcement provisions. The City Council's decision to rescind a detailed Code of Ethics and Conduct with meaningful enforcement provisions, and to replace it with a barebones unenforceable policy that is not publicly available, and, in the meantime, to operate without any policy at all for 12 months, is very concerning to the Civil Grand Jury and evidences a lack of willingness on the part of the current City Council to hold itself accountable.

CONCLUSION

Voters of the City of Cupertino elect five councilmembers. Councilmembers in turn hire the City Manager and the City Attorney. The public has the right to hold the governing body responsible for its leadership and guidance and to pursue policies that lead to sound governance. City voters do not elect City staff. If the environment created by the governing board is toxic, the City will not be able to hire and retain competent talent to serve the residents of Cupertino. The governing council must create a respectful environment for staff. The behavior of councilmembers may need to be reviewed and good government practices implemented to remediate the dysfunction that currently exists.

The absence of a comprehensive Ethics and Code of Conduct policy with enforcement provisions is a significant concern for the Civil Grand Jury. Ethics and Code of Conduct policies set baseline parameters of acceptable organizational operating practices and required behavior of staff, management and councilmembers. The absence of enforcement provisions in the new Ethics Policy provides the City and its residents no remedy for unacceptable actions or behavior.

The Civil Grand Jury is aware that this report will be published after the November 2022 elections and hopes that any newly elected councilmembers will take the opportunity to develop better working relationships with the City staff.

FINDINGS AND RECOMMENDATIONS

Finding 1

The City has a culture of distrust between the councilmembers and City staff that is creating dysfunction.

Recommendation 1

The City should develop or acquire a good governance training and development program for both existing and newly elected councilmembers and existing and new staff members to address: (i) their role, responsibilities, and the relevant laws that specify and/or limit their function; (ii) the division of responsibilities between councilmembers and staff as directed by the Cupertino Municipal Code; and (iii) the necessity of morale building to create a stronger, more effective, and respectful relationship between City staff and councilmembers. Recommendation 1 should be implemented by March 31, 2023.

Finding 2

The dysfunction prevalent between the City Council and City staff has negatively impacted City operations, including the continuing loss of skilled and experienced personnel. The City has a reputation of having a difficult work environment, making recruiting of highly qualified applicants difficult.

Recommendation 2

The City should hire a consultant to study staff morale and make recommendations to improve retention of employees and quality of the working environment. To the extent legally permissible, the study and recommendations should be published for public review. Recommendation 2 should be implemented by July 31, 2023.

Finding 3

The City has not taken sufficient steps to improve the City's financial risk profile as recommended by its retained Internal Auditor.

Recommendation 3a

The City should implement the work plan identified in the May 2022 Fiscal Policy Inventory and Gap Analysis Report developed by the City's internal audit firm, Moss Adams LLP, to address policy and procedural gaps and weaknesses. Recommendation 3a should be implemented by July 31, 2023.

Recommendation 3b

The City should employ the use of continuing annual internal audits to assess progress in the development and implementation of new or modified policies and procedures to comply with

internal audit risk reduction and mitigation recommendations. Recommendation 3b should be implemented by July 31, 2023.

Finding 4

A comprehensive Code of Ethics not only provides guidance and baseline standards for ethical behavior, it includes sanctions and consequences for deviations from the standard. The City's Ethics Policy is generic and lacks enforcement provisions and therefore fails to provide a framework to address ramifications for policy violations.

Recommendation 4a

The City should establish an independent Public Ethics Commission with guidance from experts in applied ethics, such as the Markkula Center for Applied Ethics at Santa Clara University, to: (i) develop and implement a robust government ethics training program for all councilmembers; and (ii) evaluate a best practices enforceable Code of Ethics and Conduct Policy that governs all councilmembers and appointed officials for consideration by the City Council. This recommendation should be implemented by March 31, 2023.

Recommendation 4b

The City should reinstate enforcement procedures to enable the City Council and the public to file complaints and testify at public hearings to help remediate ethics violations. This revision should include a procedure for public admonishment, revocation of special privileges, or censure. This recommendation should be implemented by March 31, 2023.

Recommendation 4c

The City Council should engage a conflict resolution professional to help enhance mutual understanding and respect amongst all stakeholders. This recommendation should be implemented by January 31, 2023, and should be repeated at least once per year.

Recommendation 4d

The City should publish its current Ethics Policy on the City website by January 31, 2023.

A HOUSE DIVIDED**REQUIRED RESPONSES**

Pursuant to California Penal Code § 933(b) et seq. and California Penal Code § 933.05, the County of Santa Clara 2022 Civil Grand Jury requests responses from the following governing body:

Responding Agency	Findings	Recommendations
The City of Cupertino	1, 2, 3, 4	1, 2, 3a, 3b, 4a, 4b, 4c, 4d

APPENDIX A

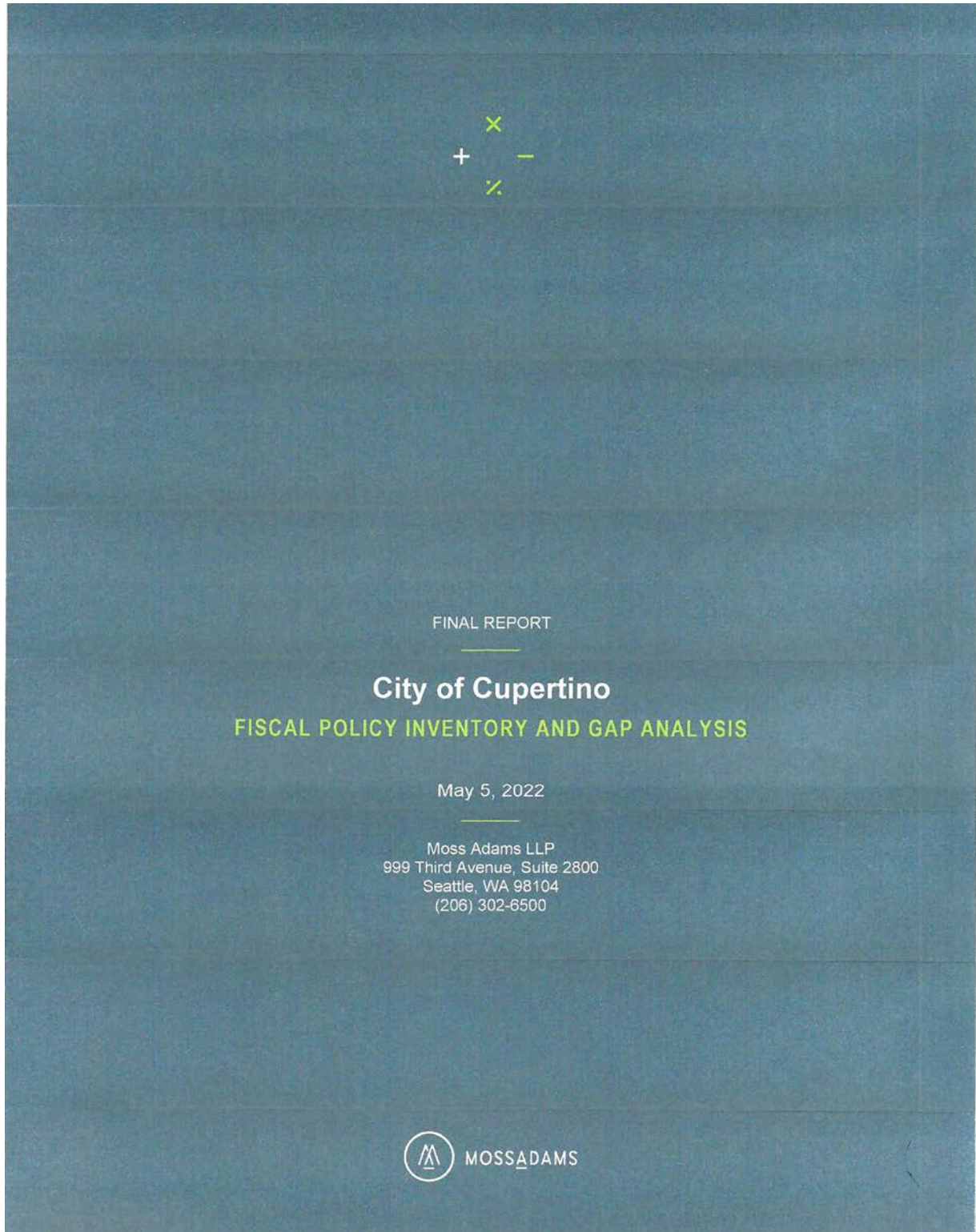


Table of Contents

I.	Background, Scope, and Methodology	1
A.	Background	1
B.	Scope and Methodology	1
II.	Overall Results	3
III.	Prioritized P&P Work Plan	4
IV.	Summary of Recommendations	5



I. BACKGROUND, SCOPE, AND METHODOLOGY

A. BACKGROUND

The City of Cupertino (the City) requested that Moss Adams LLP (Moss Adams), as the City's internal auditor, perform an inventory of all City fiscal policies and procedures (P&Ps) and a gap analysis to determine what gaps in coverage exist, and develop a prioritized P&P work plan to support the City in addressing identified gaps. The objectives of this project were to:

- Determine which fiscal areas are adequately covered by comprehensive current P&Ps.
- Identify policy gaps, including areas where no policies to support fiscal functions are documented, existing policies are outdated or in need of minor updates or additions, and current internal control or gap coverage are missing key components.
- Prioritize policy gaps based on overall risk, and develop an implementation plan to provide the City with recommendations for prioritizing and addressing the identified policy gaps.

This engagement was performed in accordance with Standards for Consulting Services established by the American Institute of Certified Public Accountants. Accordingly, we provide no opinion, attestation, or other form of assurance with respect to our work or the information upon which our work is based. This report was developed based on our assessment of the City's fiscal P&Ps as of October 2021. The procedures we performed do not constitute an examination in accordance with generally accepted auditing standards or attestation standards.

B. SCOPE AND METHODOLOGY

This project was limited in scope to the City's finance and accounting (fiscal) functional areas. All fiscal P&Ps available as of October 2021 were provided to Moss Adams to assess as part of this project. Other P&P documents, informal process documentation, or guideline documents that are not approved formal P&Ps at the City level may exist; however, they were not included in this analysis and are therefore not included in the results presented in this report.

The procedures performed included:

- **Fiscal P&P Inventory** – We worked with City management to develop a full listing of finance and accounting policy areas that were applicable to the City and that would be included in the scope of this project. For each area, we performed the following:
 - Obtained all supporting/related P&P documents available
 - Documented a full inventory of the current existing P&P documents, including a summary of the coverage areas of each.
 - Discussed the full inventory of results with management to ensure that all P&P documents were provided and included in the inventory.
- **P&P Gap Analysis** – We assessed the inventory results and performed a full gap analysis, including:
 - Assessed the current content of each area to identify potential gaps in coverage.

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- Assessed existing P&P documents for opportunities to improve the overall content and flow/structure, incorporate best practices, and improve internal controls, where possible, to provide for effective resources for employees.
- Summarized the gaps identified for each P&P area.
- Categorized the significance and extent of the identified gaps as follows: full gaps, major gaps, or minor gaps. We also noted areas only in need of an update.
- **Prioritized P&P Work Plan Development** – Based on the results of the P&P inventory and gap analysis performed, we developed detailed recommendations, by area, for the City to use as a road map for developing, amending, or updating P&Ps. We assigned a risk level (high, medium, or low), as described in the table below, and a recommended priority order by phase based on the risk level. We discussed the prioritized P&P work plan with management, gathered input on the work plan, and made updates, as appropriate.

Gaps identified during the analysis were categorized as follows:

- **Full Gap** – Documented policies and procedures do not exist for the area.
- **Major Gap** – Some P&P documentation exists; however, there are major gaps in overall coverage.
- **Minor Gap** – P&Ps cover most of the key areas but require some updating or additional coverage.
- **Update Needed** – The P&P needs to be reviewed for potential updates.

The assessed risk level, category descriptions, and recommended phases/timing for addressing the gaps and related recommendations are described in the table below. The risk levels were assigned based on our understanding of the City, insights gained from management, the inherent risk in each area, and the level and significance of gaps identified.

Assessed Risk Level	Category Description	Recommended Phase/Timing
High Risk	<ul style="list-style-type: none"> ○ Area is inherently high risk ○ Gaps identified were either full gaps (i.e., no P&P coverage) or major gaps ○ Area is a high priority for the City's operations and structure 	Phase One (within 12 months)
Medium Risk	<ul style="list-style-type: none"> ○ Area is inherently high or medium risk; however, a lack of documented P&Ps may only represent a medium risk to the City ○ Gaps identified were either full gaps or major gaps ○ Area is a high priority for the City's operations and structure 	Phase Two (within 18 months)
Low Risk	<ul style="list-style-type: none"> ○ Area is inherently low risk ○ Gaps identified were either minor in significance or magnitude, or the area only needed review or updating ○ Area is a low priority for the City's operations and structure 	Phase Three (within 24 months)



II. OVERALL RESULTS

Throughout the P&P inventory and gap analysis, we found that the City has a variety of P&P documents; however, they are not consistently utilized, structured, or based on standard templates. Although the City appears to have consistent practices established and has approvals/process flows setup within the enterprise resource planning (ERP) system, the City does not have a defined P&P framework and as a result, in many cases it was unclear what level of policy a document fell under.

Some of the City's documents identified as "policies" included administrative procedures. In some areas, the City uses the notes included in their financial statements as "policies", as well as Council Resolutions, memos, or email to communicate requirements. The City does not have a standard template/format and there does not appear to be a structure for ensuring all policies are supported by underlying procedures. Additionally, there is no consistent means of identifying when policies are approved and effective. The effective date on most policies is not complete.

Utilizing a defined P&P framework with standard templates will help streamline the City's P&P resources. This framework can be used to define responsibilities at both the City Council and management level.

The City can utilize the Prioritized P&P Work Plan presented on the following page to carry out their efforts to develop and update their fiscal P&Ps. In addition to following summary table, we have provided management with a detailed Prioritized P&P Work Plan, which includes all results from the inventory and gap analysis performed and detailed recommendations by area.



III. PRIORITIZED P&P WORK PLAN

Policy Area	Type of Gap	Associated Risk	Recommended Priority Level
Accounting and Financial Reporting	Major Gaps	High	1
Accounts Payable	Full Gap	High	1
Budgeting	Major Gaps	High	1
Capital Assets	Major Gaps	High	1
Cash Management	Major Gaps	High	1
Payroll and Timekeeping	Full Gap	High	1
Procurement	Major Gaps	High	1
Revenue and Accounts Receivable	Full Gap	High	1
Debt Management/Tax Bond Compliance	Major Gaps	Medium	2
Gifts and Donations	Major Gaps	Medium	2
Grant Management	Full Gap	Medium	2
Investment Management	Minor Gaps	Medium	2
Credit Cards	Minor Gaps	Low	3
Inventory	Full Gap	Low	3
Travel and Expense Reimbursement	Minor Gaps	Low	3

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IV. SUMMARY OF RECOMMENDATIONS

The following table summarizes the recommendations related to high-risk policy areas. A detailed listing of full recommendations was provided separately to management.

Policy Area	Summary of Recommendations
Accounting and Financial Reporting	<p>Expand and develop full Accounting and Financial Reporting P&Ps that address, at a minimum, the following key areas:</p> <ul style="list-style-type: none"> • Chart of account maintenance, setup, and structure. • Fund structures, including the definition and use of each City fund, and required fund reconciliations. Information on this topic that is currently presented in the Financial Policies can be used as a starting point and expanded upon. • Journal entry preparation, approval, and posting. • Month-end and year-end close procedures, including timing, responsibilities for performing each procedure, review/approval responsibilities, and monitoring. • Financial Reporting: which reports will be prepared and on what basis (monthly, quarterly, etc.), who will be responsible for their review and approval, which reports will be presented to the City Council and/or Committees, and how frequently. • Audit requirements and auditor selection. • Significant Accounting Policies and Procedures: The City can utilize notes to audited financial statements as a starting point to accumulate significant accounting policies, then expand to address detailed procedures that will be applied to ensure compliance. • Account Reconciliations: Which balance sheet accounts are reviewed monthly; responsibility for preparation, review and approval; and procedures on performing reconciliations and addressing variances. • Monitoring controls including financial trend analysis (year to year, budget to actual, monthly fluctuations) and key performance indicators. • Unclaimed property handling, including any rules on forfeiture of property to the State Controller's Office.
Accounts Payable	<p>Develop full, comprehensive AP P&Ps that include all significant areas within the AP function including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Vendor Management: New vendor setup and vendor changes, including required supporting documentation, approvals, and segregation of duties, vendor master list controls and annual reviews, and dormant vendors. In general, vendor management should be controlled by individuals independent of the AP process. • Invoice receipt, approval, and routing (manual or electronically) to AP for payment processing. • Reconciliation between invoice and purchase requisition (PR)/purchase order (PO), receiving documentation, etc. and documentation required to support this three-way match process. • Invoice coding and system entry. • A/P processing including required reviews/approvals, invoice tie-out, and pre- and post-check register reviews/approvals. • Check printing, signature, and check stock maintenance controls. • ACH payment processing and related controls. • Check mailing and support filing.

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Policy Area	Summary of Recommendations
	<ul style="list-style-type: none"> Monitoring controls over the disbursement function, such as vendor file changes/addition reviews and trend analysis (i.e., total payments by vendor). Record retention requirements to support the AP process/function. Other key controls and internal procedures over the disbursement function.
Budgeting	<p>Expand and develop full, comprehensive Budget Management P&Ps that include all significant areas within the budget function including, but not limited to, the following key areas:</p> <ul style="list-style-type: none"> Budget Preparation Process: How individual departments/programs should prepare their budgets, what data/historical and upcoming information should be used, and resources available to employees responsible for aspects of the budget process Budget Calendar: Including a snapshot of all key dates in the process (initial budget notifications from Finance, department/program due dates, original draft budget submission, internal reviews/approvals, Council presentation and budget adoption/approval, budget finalization, system entry, etc.) How to address budgeting for new funding identified during the year (resources greater than budget estimates, new appropriations or new grants/donations, etc.), including timeline requirements, reviews/approvals, and system entry Budget monitoring, including budget-to-actual reporting, use and responsibilities, required reviews, justification for budget overages, and anticipating changes throughout the year City-mandated budget requirements and how each will be considered and applied to ensure compliance Budget amendment and transfer processing, including the documentation and approvals required and responsibilities for each Overall roles and responsibilities within the budget function, including budget establishment, monitoring, etc. Required budget-to-actual reporting to leadership and/or City Council, including what information is to be reported and at what frequency
Capital Assets	<p>Expand and develop a full, comprehensive Capital Asset P&P that includes all significant areas within the Capital Asset function including, but not limited to, the following:</p> <ul style="list-style-type: none"> Capital budgeting (incorporate the existing Capital Improvement Policy located within Financial Policies) Depreciation: Methods used, determination of useful lives, entering during asset setup, depreciation expense entry preparation, review, approval and posting, etc. Capital asset receiving process, including physical receipt and documentation of receipt Reporting new fixed assets to Accounting and issuing asset tags (including who issues tags, tracking tags, placement on assets, and recording tag numbers in ERP system) New asset setup in the City ERP system (including required information, supporting documentation submitted/maintained, etc.) Reconciliation between G/L and capital asset data in the ERP system, and reviews to ensure all capital assets are captured Policies regarding capital asset reviews, their purpose, who is responsible for performing reconciliations, identifying variances, repairs/maintenance expense review and documentation, etc. Capital Asset Custodians: Assignment and accountability of those responsible for capital assets in each department/division/site

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Policy Area	Summary of Recommendations
	<ul style="list-style-type: none"> Capital Asset Transfer and Disposal Procedures: Reporting disposals/transfers to Accounting, updating in the ERP system, changes in accountability, methods of disposal including documentation requirements and approvals, lost/stolen asset handling/reporting, etc. Annual Inventory Count: Procedures, condition assessment, and segregation of duties (including having an independent person perform count, identify assets damaged or not tagged, add assets, verify asset details, reconcile information, and make updates in the ERP). Record retention for capital assets
Cash Management	<p>Incorporate the existing Cash Receipts/Handling Policy into a full Cash Management P&P. A comprehensive set of Cash Management P&Ps should be developed and should cover, at a minimum, the following:</p> <ul style="list-style-type: none"> Bank account setup, cancelling, access monitoring, etc. Bank reconciliations, including responsibility for preparation, supporting documentation required, outstanding items monitoring, variance handling, review, and approvals Bank account signature authority Change fund policy (for sites that handle cash payments) Payment acceptance, including types of payments accepted (cash, checks, credit cards, ACH, etc.) and requirements for processing/accepting each type Cash reconciliations, deposits, and variance reporting (reporting overages/shortages) Counterfeit detection requirements Required frequency for remitting cash to Cashiering for deposit Segregation of duties Monitoring of locations' deposit frequency Consequences for non-compliance Minimum security requirements for transporting deposits Petty cash handling <p>The City should also consider developing site/location-specific P&Ps that apply to all City locations that accept or handle monies. Each site that handles payments should be required to develop internal Cash Handling P&Ps to show how they will ensure compliance with City-wide policies. Detailed Cash Handling P&Ps, by site, would include areas such as the following:</p> <ul style="list-style-type: none"> How receipts are issued and reconciled Where payments are recorded (manual log, system, etc.) upon receipt Responsibilities for cash handling and daily reconciliations Daily reconciliation procedures (i.e., base funds, system/log totals for receipts, payments being deposited, etc.) Detailed procedures for storing payments, closing credit card machines, etc.
Payroll and Timekeeping	<p>Develop comprehensive Payroll & Timekeeping P&Ps to help ensure that time worked is properly accounted for, reviewed, and approved; that pay rates are properly controlled and applied; and that employees are ultimately paid appropriately and accurately. Payroll and Timekeeping P&Ps should cover, at a minimum, the following:</p> <ul style="list-style-type: none"> New employee setup and pay rate adjustments (in general, this duty should be performed by someone independent of the payroll processing function to ensure that duties are adequately segregated)

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Policy Area	Summary of Recommendations
	<ul style="list-style-type: none"> Time recording for exempt and non-exempt employees Time reviews and approvals Timecard edits or corrections before/after payroll processing Transfer of time detail to process payroll Payroll processing (including required reviews/approvals pre and post processing, reconciliations, general ledger posting, reporting, etc.) Direct deposit setup and processing Check printing, signature, and distribution Payroll tax reporting and tracking and accrual account reconciliations PTO accruals, use and recording, monitoring of PTO balances, etc. Payroll monitoring and oversight (including pay rate change report reviews; timecard edit reviews; systems access monitoring; payroll trend analysis by employee, position, department, etc.; and other reviews/reporting performed to ensure the payroll function is well-controlled)
Procurement	<p>Expand and develop a full comprehensive set of Procurement P&Ps and include, at minimum, the following key areas:</p> <ul style="list-style-type: none"> Due diligence thresholds, including online/verbal quotes, format written quotes, Requests for Proposal (RFPs), and a dollar threshold for each level of due diligence. The existing chart defines thresholds but does not provide details on how a user should complete the various methods. The attachments to the current policy, address some specific procedures (e.g., Formal Bid Procedures) but they need to be updated and organized. Approval thresholds and a clear definition of the workflow process for obtaining all required approvals. In addition, definition of approvals that may be required for certain types of purchases, based on G/L code (i.e., IT, fixed assets, and/or grant-related). Sole-source and emergency purchase procedures (justifications and documentation requirements, approvals, etc.) that define their appropriate use(criteria, etc.). Initiating Purchase Requisitions (PRs), and a clear definition of the process for PRs and POs. Receiving procedures and related documentation requirements (on packing slips/receiving reports and in the system, if applicable). Segregation of duties between Purchasing and Receiving. Documentation requirements and methods of storing information. Suspension and Debarment Checks: The threshold for when to perform checks and responsibility for performing them, when they must occur in the procurement process, documentation required to support they were performed, how/where documentation will be maintained to support new vendor setup, and the reverification process to confirm that vendors used for longer than a specified period (e.g., one year) are reconfirmed and the results of the review are documented. Specific requirements for certain high-risk purchases. Specific restrictions and unallowable purchases (alcohol or other).
Revenue and Accounts Receivable	<p>Develop a comprehensive set of Revenue and A/R P&Ps at a City-wide level to address, at a minimum, the following:</p> <ul style="list-style-type: none"> Defining the specific types of revenue throughout the City, referencing Department and Division-specific P&Ps where appropriate Revenue recognition and accounting for revenue

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Policy Area	Summary of Recommendations
	<ul style="list-style-type: none"> Customer account setup and requirements Overall monitoring of revenue activity Defining the City's requirements for billing and collection activities (including defining roles and responsibilities, documentation requirements, frequency, etc.) Accounts receivable management, including tracking and reporting A/R, requiring aging analysis, reporting on delinquent accounts, etc. Systems access related to A/R management systems, to ensure proper segregation of duties Allowance for doubtful accounts establishment, recording of bad debt expense, criteria for estimate development, etc. Handling refunds and account credits, including required documentation, approvals, etc. Guidance to Departments/Divisions for developing their specific billing policies/procedures, and for ensuring consistency and enhancing revenue capture Establishing criteria to determine when past due/delinquent accounts are sent to collection agencies and how revenue collection service providers are engaged and monitored Defining when account write-offs can occur, what approvals are required, and how write-offs/account adjustments must be documented and controlled Unclaimed Refunds: Procedures to follow when customers don't cash refund checks or checks are returned to the City Utility Bills, when to waive late fees, when to credit overcharged customers, when to invoice undercharged customers General Bills and Taxes: When to waive late fees and allow for payment plans <p>Given the various types of revenue across the City, it may be appropriate for individual revenue-generating Departments/Divisions to develop their own specific P&Ps. These should cover how the Departments/Divisions will implement specific P&Ps and monitor for compliance with City-wide P&Ps, including the use of account management systems, reconciliations to the City's ERP system, specific billing/collection activities, etc.</p>

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Appendix A – Management Responses to Fiscal Policy Inventory and Gap Analysis:

1. Accounting and Financial Reporting

Management Response:

Management agrees that formalized policy and procedures are needed in Accounting and Financial Reporting. Currently, staff utilizes non-formalized procedures for the processes listed above. Staff created policies in these areas the review process and expected to be approved by the Director of Administrative Services and the City Manager.

2. Accounts Payable

Management Response:

Management agrees that formalized policy and procedures are needed in Accounts Payables. Currently, staff utilizes system set up and security and non-formalized procedures for the processes listed above. Staff created policies in these areas the review process and expected to be approved by the Director of Administrative Services and the City Manager.

3. Budgeting

Management Response:

Management agrees that formalized policy and procedures are needed in Budgeting. Currently, staff utilizes system security and non-formalized procedures for the processes listed above. Staff created policies in these areas are in the review process and expected to be approved by the Director of Administrative Services and the City Manager.

4. Capital Assets

Management Response:

Management agrees that formalized policy and procedures are needed in Capital Assets. Currently, staff utilizes non-formalized procedures for the processes listed above. Staff created policies in these areas are in the review process and expected to be approved by the Director of Administrative Services and the City Manager.

5. Cash Management

Management Response:

Management agrees that formalized policy and procedures are needed in Cash Management. Currently, staff utilizes non-formalized procedures for the processes listed above. Staff created policies in these areas are in the review process and expected to be approved by the Director of Administrative Services and the City Manager.

6. Payroll and Timekeeping

Management Response:

Management agrees that formalized policy and procedures are needed in Payroll and Timekeeping. Currently, staff utilizes system security and non-formalized procedures for the processes listed above. Staff created policies in these areas are in the review process and expected to be approved by the Director of Administrative Services and the City Manager.

7. Procurement

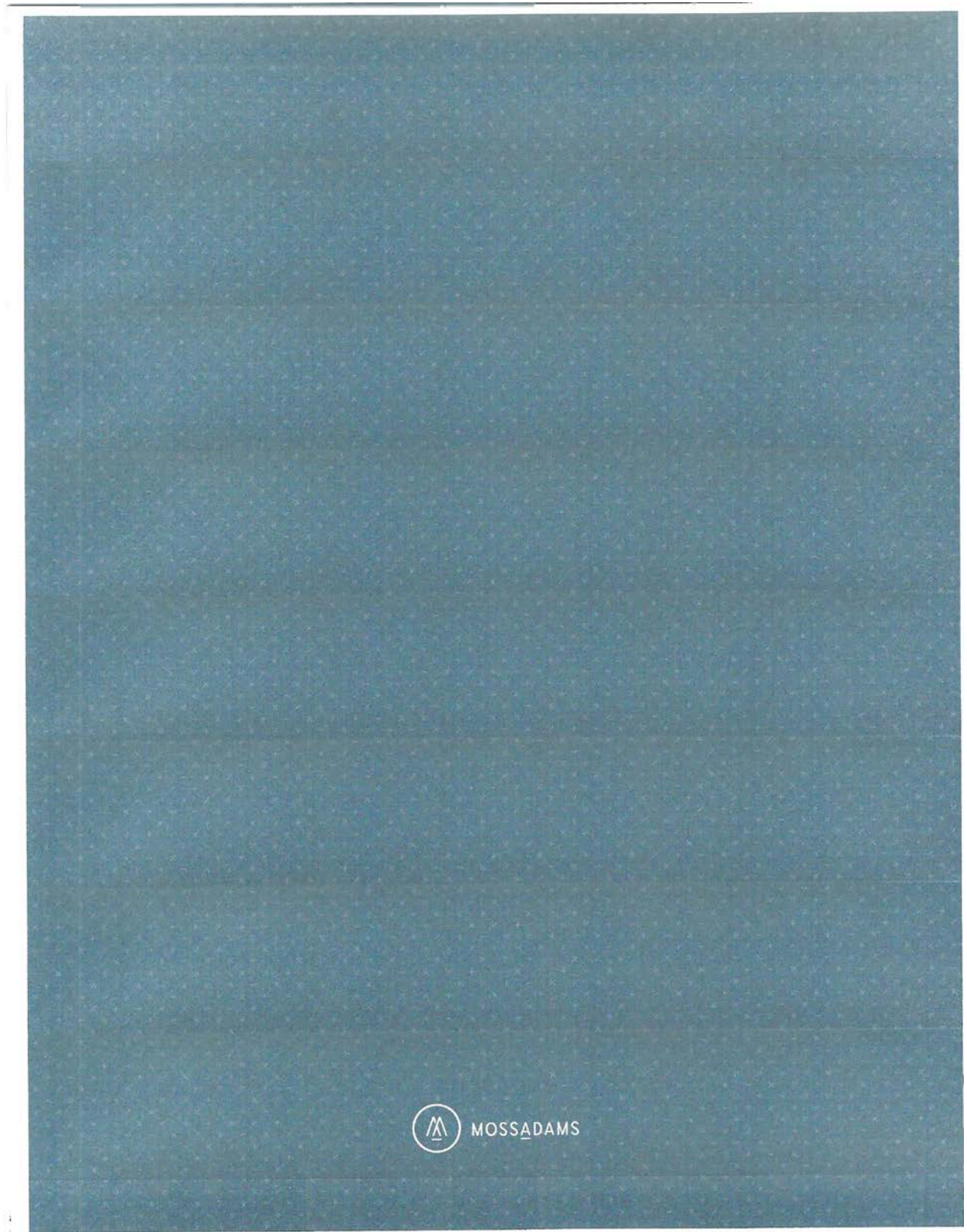
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**Management Response:**

Management agrees that formalized policy and procedures are needed in Procurement. Currently, staff utilizes system security and non-formalized procedures for the processes listed above. Staff created policies in these areas are in the review process and expected to be approved by the Director of Administrative Services and the City Manager. These changes will be delayed as the City prioritizes findings from the procurement audit and has requested a Purchasing Manager as part of the Proposed Budget. To minimize changes and potential confusion all changes to procurement will occur at one time and after the review of the new Purchasing Manager should the position be approved.

8. Revenue and Accounts Receivable**Management Response:**

Management agrees that formalized policy and procedures are needed in Revenue and Account Receivable. Currently, staff utilizes system security and non-formalized procedures for the processes listed above. Staff created policies in these areas are in the review process and expected to be approved by the Director of Administrative Services and the City Manager.



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APPENDIX B

ATTACHMENT D

RESOLUTION NO. 18-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ADOPTING THE CITY OF CUPERTINO CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, the City Council of the City of Cupertino has determined that a Code of Ethics and Conduct benefits the public by increasing public confidence in the integrity of local government and its effective and fair operations; and

WHEREAS, the Cupertino Code of Ethics and Conduct will guide the conduct of Elected and Public Officials and support their independent, impartial, and fair decision-making and execution of policy; and

WHEREAS, City Council wishes to maintain an atmosphere of respect and civility in the performance of City affairs and public business.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino hereby adopts the attached "City of Cupertino Code of Ethics and Conduct for Elected and Appointed Officials"

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this ____ day of _____, ____ by the following vote:

Vote Members of the City Council

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Darcy Paul, Mayor
City of Cupertino

ATTACHMENT D



City of Cupertino

DRAFT Code of Ethics and Conduct
For
Elected and Appointed Officials

Adopted _____ by Resolution No. 18-____

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PURPOSE

The Cupertino City Council adopts this Code of Ethics and Conduct as guidelines for elected and appointed officials to exercise their office and conduct themselves in a manner that instills public confidence and trust in the fair operation and integrity of Cupertino's city government.¹

In accordance with State law and Title 2 of the Cupertino Municipal Code, Cupertino's elected and appointed officials include the members of the City Council, the Mayor, appointed officers of City boards and commissions, the City Manager, the City Attorney, the City Clerk and the City Treasurer.

ETHICS

The citizens and businesses of Cupertino and the general public are entitled to have fair, ethical, and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the law and policies affecting the operations of government and their respective roles and responsibilities; and
- Are independent, impartial, and fair in their judgment and actions; and
- Use their public office for the public good and not for personal gain; and
- Conduct their deliberations and make their decisions in an atmosphere of respect and civility, and during public meetings in accordance with Open Meeting laws, except for confidential proceedings allowed by law.

Therefore, members of the City Council, City Boards and Commissions, the City Clerk, the City Treasurer, the City Manager and the City Attorney (hereinafter, "City Officials") should conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, City Officials will work for the common good of the people of Cupertino and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before them.

¹ These guidelines are intended to codify the values of the City of Cupertino relative to the conduct of its elected and appointed officials and in no way distract from or supersede the many other rules and laws that govern city officials. By their very nature, some guidelines apply only to legislative bodies and decision-makers as noted in the Code.

A HOUSE DIVIDED

2. **Comply with both the spirit and the letter of the Law and City Policy.** City Officials must comply with applicable federal, state and local laws in the performance of their public duties. These include the United States and California constitutions; the Cupertino Municipal code; laws concerning financial disclosures; sources of income and gifts; conflicts of interest laws; elections; campaign contributions; incompatible offices; employer responsibilities; and open government rules.
3. **Conduct of City Officials.** The professional and personal conduct of City Officials while exercising their office must be above reproach and avoid situations that create the appearance of impropriety. Officials must refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other City Officials, city staff, or the public.
4. **Respect for Process.** City Officials will perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** City Officials will come prepared to address items and issues at public meetings; will listen courteously and attentively to all public discussions before the body; and will focus on the business at hand.
6. **Decisions Based on Merit.** City Officials will base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions that require determination of the facts of a particular case and application of the law and rules, decision-makers will maintain an open mind until the conclusion of the hearing on the matter and will base their decisions on the facts presented at the hearing and the law.
7. **Communication.** For adjudicative matters pending before the body, City Officials will rely on the agenda materials and information received at the public meeting to support their decision. To the extent substantive or material information is received outside of a public meeting, decision-makers must, at a minimum, publicly disclose the circumstances and the outside source of information. Consultation with the City Attorney is strongly advised to ensure the integrity and legality of decisions made on adjudicative matters.
8. **Conflict of Interest.** To maintain independence and impartiality for the common good and comply with the extensive set of conflict of interest

A HOUSE DIVIDED

laws, City Officials will use caution and their best efforts to avoid the appearance of impropriety in their actions and decisions. Consistent with the law, decision-makers will not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility to or personal commitment to others that creates a conflict of interest or the appearance of one, or (c) a strong personal bias as to one party or position.

Potential conflicts of interest should be discussed with the City Attorney at the earliest opportunity prior to a public meeting or hearing in order to ensure time to research and analyze the facts. Decision-makers are referred to the Cupertino Municipal Code, Section 2.18.030, which provides, among other things, that the City Attorney may render informal advice to individual Councilmembers regarding potential conflicts of interest, as appropriate. However, it is understood that Councilmembers are protected from potential liability for a conflict of interest only upon taking action that complies with a written opinion issued by the California Fair Political Practices Commission (FPPC).

If informed to seek formal advice from the FPPC or other State agency, a member will not participate in a decision until the FPPC has issued a written opinion that concludes there is no conflict. The member will provide the City Attorney a copy of the written request to the FPPC and the opinion, and will conform his or her participation to the advice given.

If a conflict of interest exists regarding a particular matter or decision, the member will not participate in the decision or discuss the matter with other decision-makers or other persons, unless otherwise permitted by law.

9. **Gifts and Favors.** Public Officials will not take advantage of services or opportunities for personal gain, by virtue of their public office, which is not available to the general public. They should refrain from accepting gifts, favors or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of impropriety.
10. **Confidential/Privileged Information.** Public Officials have a duty to maintain the confidentiality of privileged documents and communications and the legal advice provided to or by them, in accordance with the law. This includes information gathered during a closed session and advice rendered by the City Attorney. Members will not disclose confidential or

A HOUSE DIVIDED

privileged information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

11. **Use of Public Resources.** Public Officials should not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies, or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as independent representatives of the City and stewards of the public interest, Councilmembers should not appear on behalf of the private interests of third parties before the Council or any Commission or proceeding of the City, nor should members of Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Members should represent the official policies and positions of the City Council and Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members should explicitly state they are speaking in their personal capacity and not in their official capacity as members of their respective bodies. When speaking in their personal capacities, members should state their views do not represent their bodies' official positions. Councilmembers and Commissioners have the right to endorse candidates for Council seats and other elected offices; however, it is inappropriate to mention or display endorsements during Council meetings, Commission meetings, or other official City meetings, unless otherwise allowed by law.
14. **Policy Role of Members.** Members should respect and adhere to the Council-Manager structure of Cupertino City government as outlined in the Cupertino Municipal Code. In this structure, the City Council determines the budget priorities and policies of the City with input provided by City staff and Commissions and the general public. Members should not interfere with the administrative functions of the City or the professional duties of City staff; nor should they impair the ability of staff to implement Council policy decisions.
15. **Independence of Commissions.** Because of the value of the independent advice of Commissions to the public decision-making process, members of

A HOUSE DIVIDED

the City Council should refrain from using their position to unduly influence the deliberations or outcomes of Commission proceedings.

16. **Positive Work Place Environment.** Public Officials should support a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members should recognize their special role with City employees and in no way create the perception of inappropriate direction to staff.

CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which City Officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Cupertino.

1. **City Officials' Conduct with Each Other in Public Meetings and Private Encounters**

Elected and appointed officials are individuals with different backgrounds, personalities, values, opinions and goals, who have chosen to serve in public office to protect the City's interests and the wellbeing of the community they serve. In all cases, this common goal should guide officials' conduct with each other and with the public, particularly when individuals may not agree on every issue.

- (a) *Respect and facilitate the role of the Chair in maintaining order*
It is the responsibility of the Chair to keep comments of City Officials on track during public meetings. City Officials should recognize and assist the Chair to focus discussion on noticed agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, challenges and disagreements with a particular point of view, and criticism of ideas and information are legitimate elements of debate and public discourse of a free democracy in action. Robust discussion and free debate, however, do not justify making belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments.

A HOUSE DIVIDED

- (c) *Work through the Chair to address offensive personal comments*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
City Officials have a public stage and have the responsibility to show how individuals with different points of view can find common ground and seek a compromise that benefits the community as a whole.
- (e) *Continue respectful behavior in private*
The same level of respect and consideration of differing points of view that is appropriate for public discussions should be maintained in private conversations.

2. City Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual City Officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (a) *Be welcoming to speakers and treat them with respect*
Members' primary responsibility during public testimony is to listen. Welcome all public speakers and encourage their active participation in public meetings by listening to their comments. Avoid engaging public speakers in debate, and call on the Chair whenever a point of order or clarification is required.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers*
Consistent with legal requirements, the Chair will determine and announce limits on speakers at the start of a public meeting or hearing process.
- (c) *Practice active listening*
It is disconcerting to some speakers to have members not look at them when they are speaking. It is fine to look down at documents or

A HOUSE DIVIDED

to make notes, but reading for a long period of time or gazing around the room may give the appearance of disinterest. Members should try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

(d) *Maintain an open mind*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) *Ask for clarification, but avoid debate and argument with the public*

Only the Chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the Chair for a point of order if the speaker is off topic, exceeds the time allotted for public comment, or engages in behavior or discussion/language that is disruptive or violates the law.

(f) *Avoid personal comments that could offend members of the public*

Whether addressing an individual member of the public or the public at large, it is never appropriate to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

3. City Officials' Conduct with the Public in Unofficial Settings

(a) *Make no promises on behalf of the Council, Commission or City*

Members will frequently be asked to explain a Council or Commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is not appropriate to overtly or implicitly promise Council or Commission action, or to promise that City staff will do something specific for the constituent.

(b) *Make no personal comments about other City Officials*

It is acceptable to publicly disagree about an issue, but it is not acceptable to make derogatory comments about other City Officials, their opinions, or actions.

4. City Officials' Conduct with City Staff

Governance of a city relies on the cooperative efforts of elected officials who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the roles and contributions made by each individual for the good of the community.

The City of Cupertino operates under a Council/Manager form of government as established in Cupertino Municipal Code Chapter 2.28 whereby the City Council controls the administrative services of the City only through the City Manager. The Council/Manager form of government is intended to provide the best of unencumbered professional/technical staff input balanced with the collective oversight of elected officials. Under the Council/Manager form of government neither the City Council, nor individual Council members, can give orders to any subordinate of the City Manager. The City Manager takes his or her orders and instructions from the City Council only when given at a duly held meeting of the City Council. No individual Councilmember can give any orders or instructions to the City Manager.

(a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt City staff from their jobs*

City Officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support of a position, shows partiality, may intimidate staff, and may hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*

City Officials should not criticize the performance of City employees in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed

A HOUSE DIVIDED

officials should make their comments regarding staff to the City Manager.

- (d) *Do not get involved in administrative functions*
City Officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- (e) *Do not solicit political support from staff*
City Officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace.
- (f) *Attorney-Client Relationship*
The City Attorney provides advice to City staff, to Public Officials, and to Councilmembers individually and collectively. In accordance with law and Rules of Professional Conduct, the City Attorney represents the full City Council and the City as a municipal organization, and any attorney-client relationship established belongs to the City, acting by and through the full City Council. To the extent permitted by law, only the City Council as a body and not individual councilmembers can waive the attorney-client privilege.

5. Council Conduct with Commissions

The City has established several Commissions as a means of gathering more community input. Citizens who serve on Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- (a) *If attending a Commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Commission meeting should be clearly made as individual

A HOUSE DIVIDED

opinion and not a representation of the feelings of the entire City Council.

(b) *Limit contact with Commission members to questions of clarification*

It is inappropriate for a Councilmember to contact a Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Commission members in order to clarify a position taken by the Commission.

(c) *Respect that Commissions serve the community, not individual Councilmembers*

The City Council appoints individuals to serve on Commissions, and it is the responsibility of Commissions to follow policy established by the Council. But Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Commission appointment should not be used as a political "reward."

(d) *Be respectful of diverse opinions*

A primary role of Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Commissions, but must be fair and respectful of all citizens serving on Commissions.

(e) *Keep political support away from public forums*

Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

6. **Conduct with the Media**

A HOUSE DIVIDED

Commission members are not authorized to represent the City to media outlets (including broadcast, print, and social media sites) outside of official Commission meetings unless specifically authorized to do so.

- (a) *The Mayor is the official spokesperson for the City Council on City positions*
The Mayor is the designated representative of the City Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.
- (b) *Choose words carefully and cautiously*
Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

COMPLIANCE

1. *Acknowledgement of Code of Ethics and Conduct*
City Officials should sign an acknowledgement that they have read and understand the guidelines contained in the Code of Ethics and Conduct.
 2. *Ethics Training for Local Officials*
City Officials must comply with State or City mandated requirements for ethics training. Ethics training must be completed prior to representing the City on intergovernmental assignments or Council subcommittees.
 3. *Behavior and Conduct*
The Cupertino Code of Ethics and Conduct sets forth guidelines and standards of ethical conduct desired and expected for members of the Cupertino City Council and Commissions and other City Officials. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of city government. The Chairs of Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.
- (a) City Council:
Individual Councilmembers should point out to the offending

A HOUSE DIVIDED

Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior is not in compliance with the Code of Ethics and Conduct. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

(b) Commission Members:

Counseling, verbal reprimands, and written warnings may be administered by the Mayor to Commission members failing to comply with City policy. These lower levels of sanctions should be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor should be distributed in memo format to the Chair of the respective Commission, the Commission Staff Liaison, the City Clerk, the City Attorney, the City Manager, and the City Council.

In accordance with law, the City Council may impose sanctions on Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council should be determined by a majority vote of at least a quorum of the Council at a noticed public meeting, and such action should be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Commission member conduct. Also, should the City Manager or City Attorney believe an investigation into a member's conduct is warranted, they may refer the matter to the Mayor or Council. The Mayor or Council should ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy allowed by law to remedy conduct that violates this code or State or Federal law. In order to protect and preserve good government, all members of the City organization should be cognizant of their responsibilities and duties to meet the requirements of the law and uphold the guidelines

A HOUSE DIVIDED

contained in this Code.

IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for City Officials expected by the City. It therefore becomes most effective when City Officials are thoroughly familiar with it and embrace its provisions.

For this reason, this document should be included in the regular orientations for candidates for City Council, City Manager, City Attorney, applicants to Commissions, and newly elected and appointed City Officials. Members entering office should sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct should be periodically reviewed by the City Council and updated it as necessary.

I affirm that I have read and understand the City of Cupertino Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

A HOUSE DIVIDED

APPENDIX C

RESOLUTION NO. 20-011

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADOPTING THE CITY OF CUPERTINO ETHICS POLICY

WHEREAS, the City Council of the City of Cupertino has determined that an Ethics Policy benefits the public by increasing public confidence in the integrity of local government and its effective and fair operations; and

WHEREAS, the Cupertino Ethics Policy will guide the conduct of the City Council, officials appointed by the Council, and City staff (collectively "public officials") and support their independent, impartial, and fair decision-making and execution of policy; and


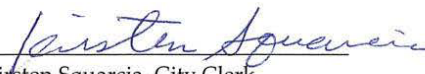
WHEREAS, City Council wishes to maintain an atmosphere of respect and civility in the performance of City affairs and public business.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached "City of Cupertino Ethics Policy"

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of January, 2020, by the following vote:

Vote Members of the City Council

AYES: Scharf, Paul, Chao, Sinks
NOES: None
ABSENT: Willey
ABSTAIN: None

SIGNED:  Steven Scharf, Mayor City of Cupertino	2/5/20 Date
ATTEST:  Kirsten Squarcia, City Clerk	2/5/20 Date

A HOUSE DIVIDED

CITY OF CUPERTINO ETHICS POLICY

The citizens, businesses, and organizations of the City are entitled fair, ethical, and accountable local government that has earned the public's full confidence for integrity.

To this end, the City Council has adopted this Ethics Policy for City Council, appointed officials, and staff of the City of Cupertino to promote public confidence in the integrity of local government and its effective and fair operation.

A. Comply with Law

City elected/appointed officials and staff comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions, the Cupertino Municipal Code, City ordinances and policies, and laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of governments. The City ensures its elected/appointed officials and staff receive regular training on ethics as required by state law.

B. Conduct of Members

The professional and personal conduct of City elected/appointed officials and staff should be respectful of others, recognizing that individuals can respectfully disagree with each other. City elected/appointed officials and staff should refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others, including members of the Council, boards and commissions, the staff, or the public.

C. Respect for Process

City elected/appointed officials and staff perform their duties in accordance with various processes and rules of order established from time to time by the City Council governing the deliberation of public policy issues, conduct of quasi-judicial proceedings, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

D. Decisions Based on Merit

City elected/appointed officials and staff make their decisions in the best interest of the City, which might include relevant policy considerations, rather than on unrelated considerations.

E. Conflict of Interest

A HOUSE DIVIDED

The City's ethics policy regarding conflicts of interest is to comply with all applicable ethics rules in the State of California. This Policy is not intended to go beyond or expand upon those rules. In general, in order to assure their independence and impartiality on behalf of the common good, City elected/appointed officials and staff do not use their official positions to participate in or influence decisions in which they have a material financial interest, an organizational responsibility, or a close familial or embroiled personal relationship.

F. Gifts and Favors

City elected/appointed officials and staff limit and report gifts as required by state law, and follow advice provided by the City Attorney.

G. Confidential Information

City elected/appointed officials and staff respect the confidentiality of information concerning the property, personnel, and affairs of the City. They neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

H. Use of Public Resources

City elected/appointed officials and staff do not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal/political purposes (except to the extent those resources are available to the public generally).

I. Representing the City & Advocacy

When formally authorized to represent and/or advocate for the official policies or positions of the City, elected/appointed officials and staff must do so accurately and in a limited fashion that does not go beyond the scope of their authority. By contrast, when City elected/appointed officials and staff are presenting their individual opinions and positions on issues potentially relevant to the City, they must explicitly state they do not represent their body or the City and must not allow any inference that they do.

J. Positive Work Place Environment

City elected/appointed officials and staff support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City elected/appointed officials recognize their special role in dealings with City staff, taking care not to create any perception of inappropriate direction to staff.

REFERENCES

Bibliography:

California Government Code section 36501, [https://law.justia.com/codes/california/2021/code-gov/title-4/division-3/part-1/section-36501/#:~:text=%C2%A7%2036501%20\(2021\)-.36501.,\(b\)%20A%20city%20clerk](https://law.justia.com/codes/california/2021/code-gov/title-4/division-3/part-1/section-36501/#:~:text=%C2%A7%2036501%20(2021)-.36501.,(b)%20A%20city%20clerk) (accessed October 15, 2022).

California Government Code section 41004, [https://law.justia.com/codes/california/2019/code-gov/title-4/division-3/part-3/chapter-3/section-41004/#:~:text=%C2%A7%2041004%20\(2019\)-.41004.,copy%20with%20the%20legislative%20body](https://law.justia.com/codes/california/2019/code-gov/title-4/division-3/part-3/chapter-3/section-41004/#:~:text=%C2%A7%2041004%20(2019)-.41004.,copy%20with%20the%20legislative%20body) (accessed November 1, 2022).

City of Cupertino Municipal Code, https://codelibrary.amlegal.com/codes/cupertino/latest/cupertino_ca/0-0-0-78624 (assessed October 30, 2022).

City of Cupertino Ethics Policy, adopted by Resolution No 2020-011 dated January 21, 2020.

City of Cupertino, City of Cupertino Careers Class Specifications, www.governmentjobs.com/careers/cupertino/classspecs (assessed Nov 3, 2022).

County of Santa Clara 2022 Civil Grand Jury Report, “*Show Me The Money: Financial Transparency Needed*,” November 2022.

Hase, Grace, “*Cupertino loses latest city manager in four years, and mayor wanted to ‘hold off’ in disclosing it*,” Mercury News, <https://www.mercurynews.com/2022/07/02/cupertino-loses-latest-city-manager-in-four-years-and-mayor-wanted-to-hold-off-on-disclosing-it/> July 2, 2022, updated July 3, 2022 (accessed October 11, 2022).

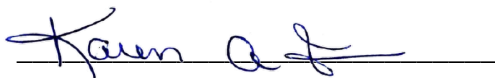
League of California Cities, “*Your Legal Powers and Obligations*,” <https://www.calcities.org/docs/default-source/new-mayors-and-council-members-academy-session-materials/02-your-legal-powers-and-obligations.pdf> (accessed October 13, 2022).

Marrkula Center for Applied Ethics, “*Government Ethics*,” Santa Clara University, <https://www.scu.edu/government-ethics/> (accessed November 1, 2022).

National League of Cities, “*City Councils*,” <https://nlc.org/city-councils> (accessed November 1, 2022).

A HOUSE DIVIDED

This report was **ADOPTED** by the County of Santa Clara 2022 Civil Grand Jury on this 19th day of December, 2022.

A handwritten signature in blue ink, appearing to read "Karen Enzensperger", is written over a horizontal line.

Ms. Karen Enzensperger
Foreperson

**CITY OF CUPERTINO RESPONSE TO THE FINDINGS AND RECOMMENDATIONS OF THE
2022 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT, “A HOUSE DIVIDED: CUPERTINO
CITY COUNCIL AND CITY STAFF”**

Finding 1

The City has a culture of distrust between the councilmembers and City staff that is creating dysfunction.

Response: *Partially agree/partially disagree.* The Grand Jury Report identifies examples of conflict and distrust that the City should strive to overcome. The City agrees that the Grand Jury has identified a genuine problem in the City, although descriptions of specific instances may be inaccurate or incomplete. The Report may also overstate the level of “dysfunction” that is present in the City. The City continues to deliver a high level of services to its residents. In addition, the City continues to make policy progress in many areas—for example, the City Council recently approved two much-needed major housing projects and several smaller developments, and the City continues to innovate in policy areas such as its response to climate change and the reduction of single-use plastics.

Despite some areas of disagreement with the Grand Jury’s conclusions, the City agrees that distrust between staff and Councilmembers has been pervasive and mutual. The Grand Jury Report correctly calls attention to the need for trust and civility in interactions between Council and staff.

Recommendation 1

The City should develop or acquire a good governance training and development program for both existing and newly elected councilmembers and existing and new staff members to address: (i) their role, responsibilities, and the relevant laws that specify and/or limit their function; (ii) the division of responsibilities between councilmembers and staff as directed by the Cupertino Municipal Code; and (iii) the necessity of morale building to create a stronger, more effective, and respectful relationship between City staff and councilmembers. Recommendation 1 will be implemented by March 31, 2023.

Response: The City has begun implementing Recommendation 1 and will complete implementation of the recommendation by the end of Fiscal Year 2022-2023. The City executive leadership team and City Council will continue to strive for a more respectful relationship between staff members and Councilmembers. Councilmembers and staff are consistently advised on their roles and responsibilities under the Council-Manager form of government, including responsibilities that are codified in the Cupertino Municipal Code. The City management team has provided Council training on these issues during recent Council orientation and retreat sessions and will continue to reinforce the message delivered at those training sessions. In addition, on September 6, 2022, the City Council

approved the Fiscal Year 2022-2023 Internal Audit Workplan. That workplan included an Enterprise Leadership Study that will assess the effectiveness of the City's management and governance collaboration framework and provide recommendations to strengthen and streamline procedures to align with best practices for municipal leadership. The study began in January and is expected to be completed by June 2023. In addition, a City Council retreat focusing on governance issues, including a discussion moderated by an outside consultant, took place on February 3, 2023.

The City also acknowledges the need for improved staff training on the role of City staff within the Council-Manager form of government and will seek to develop recommendations for improving staff training and morale in connection with the implementation of Recommendation 2, below.

Finding 2

The dysfunction prevalent between the City Council and City staff has negatively impacted City operations, including the continuing loss of skilled and experienced personnel. The City has a reputation of having a difficult work environment, making recruiting of highly qualified applicants difficult.

Response: *Partially agree/partially disagree.* While it is difficult to disentangle Cupertino-specific factors from larger economic trends that have made recruitment and retention challenging for government agencies throughout the region, the City is aware of instances where poor Council-staff relations have contributed to the decisions of staff to leave the City. At the same time, the City has recently had successful recruitments to fill key positions with qualified external and internal candidates. Despite these successes, the City acknowledges that reputational issues have created challenges for the recruitment and retention of key personnel that the City must strive to overcome.

Recommendation 2

The City should hire a consultant to study staff morale and make recommendations to improve retention of employees and quality of the working environment. To the extent legally permissible, the study and recommendations should be published for public review. Recommendation 2 should be implemented by July 31, 2023.

Response: The City agrees with Recommendation 2 and will implement the recommendation through an update to the citywide risk assessment first conducted in December 2020 by the City's internal auditor. The City anticipates including the update in the Fiscal Year 2023-2024 Internal Audit Workplan.

Finding 3

The City has not taken sufficient steps to improve the City's financial risk profile as recommended by its retained Internal Auditor.

Response: *Disagree*. While the City agrees that the internal auditor's recommendations should be implemented, the Grand Jury Report provides an inaccurate view of the City's "financial risk profile." The City has implemented financial controls to protect against waste, abuse, and fraud, including the following:

- In December 2014, the City implemented a new enterprise resources planning ("ERP") software, New World. The transition to New World improved internal controls on procurement by establishing multi-layered approvals to prevent fraud, waste, and abuse.
- In conjunction with the upgrade of the City's ERP software in 2014, the City incorporated a decentralized accounting structure to enhance segregation of purchasing and financial duties.
- Since 2014, the City has hired 4.5 additional full-time equivalent staff to improve segregation of duties and internal controls
- The City implemented a Council-approved Fraud, Waste and Abuse Program in Fall 2022.
- The City submitted eight of the nine financial policies listed in the high-risk category for review by the internal auditor as reported to the Audit Committee on November 28, 2022. The City presented the ninth policy to the internal auditor for review by January 2023. The City expects all nine policies will be finalized for approval by June 30, 2023.

In addition, the December 14, 2022 Grand Jury Report, "Show Me the Money", confirmed that the City is in compliance with its financial reporting requirements.

The City disagrees with the Grand Jury Report's characterization of these measures as not "sufficient." Nevertheless, the City agrees that implementation of City's Internal Audit Workplan should be prioritized, as reflected in the above response and the City's responses to the recommendations below.

Recommendation 3a

The City should implement the work plan identified in the May 2022 Fiscal Policy Inventory and Gap Analysis Report developed by the City's internal audit firm, Moss Adams LLP, to address policy and procedural gaps and weaknesses. Recommendation 3a

should be implemented by July 31, 2023.

Response: The City agrees with this recommendation and intends to implement the work plan identified in the May 2022 Fiscal Policy Inventory and Gap Analysis Report by June 30, 2023.

Recommendation 3b

The City should employ the use of continuing annual internal audits to assess progress in the development and implementation of new or modified policies and procedures to comply with internal audit risk reduction and mitigation recommendations. Recommendation 3b should be implemented by July 31, 2023.

Response: This City has implemented Recommendation 3b.

Finding 4

A comprehensive Code of Ethics not only provides guidance and baseline standards for ethical behavior, it includes sanctions and consequences for deviations from the standard. The City's Ethics Policy is generic and lacks enforcement provisions and therefore fails to provide a framework to address ramifications for policy violations.

Response: *Partially agree/partially disagree.* The Grand Jury Report correctly emphasizes the importance of baseline standards for ethical behavior, including sanctions for noncompliance. As in most cities, the responsibility for holding elected officials and staff for any ethics code violations falls on the City Council and City Manager, respectively. With respect to the level of detail in the Ethics Policy, ethics policies vary widely among jurisdictions in level of detail and prescriptiveness. Regardless of the form of the ethics policy, the policy should serve the purposes of increasing public confidence in the integrity of local government and its effective and fair operations, and support independent, impartial, and fair decision-making and execution of policy by City officials, as reflected in City of Cupertino Resolution 20-011, adopting the current Ethics Policy.

Recommendation 4a

The City should establish an independent Public Ethics Commission with guidance from experts in applied ethics, such as the Markkula Center for Applied Ethics at Santa Clara University, to: (i) develop and implement a robust government ethics training program for all councilmembers; and (ii) evaluate a best practices enforceable Code of Ethics and Conduct Policy that governs all councilmembers and appointed officials for consideration by the City Council. This recommendation should be implemented by March 31, 2023.

Response: The City provides required ethics training for elected officials and supplements that required training with opportunities for additional ethics education at League of Cities conferences and Council retreats. The City will review its current ethics training for

opportunities to improve training for Councilmembers and other City officials. In addition, the City Council Procedures Manual under consideration by Council includes standards for conduct and decorum that are consistent with the Grand Jury's recommendations.

The City Council may consider revisions to the current Ethics Policy as part of the Fiscal Year 2023-2024 work program. However, based on the City's understanding of ethics policies in peer jurisdictions, the City Council is typically responsible for considering ethics violation and enforcing sanctions against Councilmembers, commissioners, and committee members where appropriate; few, if any, peer jurisdictions delegate this authority to an independent ethics commission. The Grand Jury's recommendation fails to take into account the administrative burden and expense of establishing an independent ethics commission in smaller jurisdictions such as Cupertino.

Recommendation 4b

The City should reinstate enforcement procedures to enable the City Council and the public to file complaints and testify at public hearings to help remediate ethics violations. This revision should include a procedure for public admonishment, revocation of special privileges, or censure. This recommendation should be implemented by March 31, 2023.

Response: It is unclear what prior enforcement provisions the Grand Jury report references in this recommendation. The City's 2018 Ethics Policy, like its current Ethics Policy, is explicitly self-enforcing. (Grand Jury Report, Appendix B at p. 46.) Consistent with the practice in an overwhelming majority of Cupertino's peer jurisdictions, the City Council is, and at all recent times has been, responsible for enforcing standards for the behavior and conduct of its own members. Councilmembers answer to voters if behavior and conduct is unacceptable.

Recommendation 4c

The City Council should engage a conflict resolution professional to help enhance mutual understanding and respect amongst all stakeholders. This recommendation should be implemented by January 31, 2023, and should be repeated at least once per year.

Response: It is unclear how Recommendation 4c relates to Finding 4. However, the City will identify opportunities for implementing this recommendation where appropriate.

Recommendation 4d

The City should publish its current Ethics Policy on the City website by January 31, 2023.

Response: The current Ethics Policy continues to be available on the City's website and has now been posted on the City Council page. The response to this recommendation has been completed.



CITY OF CUPERTINO

Agenda Item

23-11986

Agenda Date: 2/21/2023

Agenda #: 11.

Subject: Consider (1) adopting Resolution No. 23-026 to repeal and replace Resolution No. 18-010, regarding the Legislative Review Committee; (2) establishment of an Economic Development Working Group by the City Manager; (3) amending the Cupertino Municipal Code to repeal Chapters 2.84 (Environmental Review Committee), 2.90 (Design Review Committee), and 2.96 (Economic Development Committee); to adopt Chapter 17.02 (California Environmental Quality Act), regarding local environmental review procedures; and to amend Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124, regarding the duties of the Planning Commission, Audit Committee, and Local Assessment Committee; and (4) finding the above actions exempt from the California Environmental Quality Act

1. Adopt Resolution No. 23-026 to repeal and replace Resolution No. 18-010, regarding the Legislative Review Committee.
2. Conduct the first reading of Ordinance No. 23-2247 repealing Municipal Code Chapters 2.84, 2.90, and 2.96, adopting Municipal Code Chapter 17.02, and amending Municipal Code Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124.
3. Find the actions exempt from the California Environmental Quality Act.

Presenter: Pamela Wu, City Manager



CITY MANAGER'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
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CITY COUNCIL STAFF REPORT

Meeting: February 21, 2023

Subject

Consider (1) adopting Resolution No. 23-____ to repeal and replace Resolution No. 18-010, regarding the Legislative Review Committee; (2) establishment of an Economic Development Working Group by the City Manager; (3) amending the Cupertino Municipal Code to repeal Chapters 2.84 (Environmental Review Committee), 2.90 (Design Review Committee), and 2.96 (Economic Development Committee); to adopt Chapter 17.02 (California Environmental Quality Act), regarding local environmental review procedures; and to amend Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124, regarding the duties of the Planning Commission, Audit Committee, and Local Assessment Committee; and (4) finding the above actions exempt from the California Environmental Quality Act

Recommended Action

1. Adopt Resolution No. 23-____, to repeal and replace Resolution No. 18-010, regarding the Legislative Review Committee.
2. Conduct the first reading of Ordinance No. 23-____, repealing Municipal Code Chapters 2.84, 2.90, and 2.96, adopting Municipal Code Chapter 17.02, and amending Municipal Code Chapters 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, and 19.124.
3. Find the actions exempt from the California Environmental Quality Act.

Reasons for Recommendation

Background

On January 25, 2023, the City Council held a study session to consider modifying the responsibilities of existing Commissions and Committees. Following discussion and deliberation, the Council voted to adopt the staff recommendation to consolidate certain Commissions and Committees and to discontinue all previously formed Council subcommittees. The proposed changes to the structure

of City commission and committees are summarized below and reflected in a draft resolution ([Attachment A](#)) and ordinance ([Attachments B and C](#)). The discussion below also addresses Council direction regarding economic development issues provided at the January 25 meeting.

Discussion

Legislative Review Committee

The current Legislative Advocacy Policy was established in 2018 through the adoption of Resolution No. 18-010. The Policy delegates authority to the Legislative Review Committee (“LRC”) to take positions on proposed legislation that are in alignment with the City’s Legislative Platform.

On January 25, 2023, the City Council voted to dissolve the LRC in order to take positions on pending legislation as a full Council. Attachment A (Resolution No. ____) rescinds Resolution No. 18-010 and establishes an updated Legislative Advocacy Policy that requires full Council consideration of City positions on proposed legislation, except that the City Manager may act in limited circumstances where a Council-adopted policy or other clear direction provided by vote of the full Council supports the position taken on the legislation. The proposed resolution is consistent with the requirements of Municipal Code section 2.17.031.¹ Staff recommends that Council adopt the proposed resolution to ensure consistency with the Municipal Code and to authorize the City Manager to act on pending legislation in limited, exigent circumstances.

Economic Development Committee

On January 25, 2023, the City Council voted to direct staff to prepare an ordinance to dissolve the Economic Development Committee (“EDC”) and to return to Council with an alternative recommendation to support the City’s economic development objectives.

The proposed ordinance would repeal the ordinance establishing the EDC. In place of the EDC, staff recommends establishing an Economic Development Working Group, which would be facilitated by the Economic Development Division through the authorization of the City Manager.

¹ Municipal Code section 2.17.031 provides: “The City Council retains the full power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the office of the City Manager. This power cannot be delegated to individual Council members, nor to committees composed of council members consisting of less than a quorum of the City Council.”

The Working Group would further the City's economic development goals as follows:

- The Working Group would allow for greater flexibility, the ability to pivot quickly, and to promptly review items of immediate interest.
- The Working Group would serve in an advisory capacity to Economic Development staff on an as-needed basis, allowing for discussions around specific topics that are outside the scope of the current EDC's jurisdiction (e.g., taxation, fees, permitting).
- The Working Group would include a broad array of businesses and business-serving agencies both locally and regionally.

The first meeting of the Working Group is anticipated to take place in Spring/Summer of 2023. For the first six to twelve months, the Working Group would focus on assessing current programs and developing a holistic framework to support businesses by fostering a more robust ecosystem in terms of resources, information, and partnerships. Updates on the discussions and recommendations of the Working Group would be provided to Council annually via an informational memo or during staff updates at a Council meeting.

No action by Council is required if Council agrees with the staff recommendation. Alternatively, Council may direct staff to return with a different proposal for an economic development advisory body.

Environmental Review Committee

On January 25, 2023, Council further directed staff to prepare an ordinance to dissolve the Environmental Review Committee ("ERC") and reassign its functions to other advisory bodies or to staff. Proposed changes to the Municipal Code include:

1. Repealing Chapter 2.84 (Environmental Review Committee).
2. Amending Chapter 9.20 (Review of Off-Site Hazardous Waste Facilities) to address ERC functions in that Chapter.
3. Establishing a new Chapter 17.02 (California Environmental Quality Act) to ensure compliance with state CEQA Guidelines.

Determinations as to when an environmental impact report must be prepared for a project would be made by staff, in consultation with appropriate subject matter experts. The jurisdiction of the Local Assessment Committee ("LAC") would be

clarified to state that scoping meetings for off-site hazardous waste facilities should include issues related to CEQA review.² The LAC is not presently active.

The proposed Chapter 17.02 would adopt by reference the state CEQA Guidelines and authorize the City Manager to develop administrative procedures necessary to tailor the guidelines to the specific operations of the City. The proposed ordinance is necessary to comply with CEQA Guidelines section 15022 and would authorize the City Manager to replace out-of-date local CEQA procedures that are not in practice relied upon in the City's current CEQA process.

Design Review Committee

On January 25, 2023, Council further directed staff to prepare an ordinance to dissolve the Design Review Committee ("DRC") and reassign its functions to other advisory bodies or to staff. Proposed changes to the Municipal Code include:

1. Repealing Chapter 2.90 (Design Review Committee).
2. Repealing section 19.12.050 (Authority of the Design Review Committee) and all references in the Municipal Code to the "Design Review Committee" in Title 19.
3. Amending section 2.32.070(H) to remove the reference to the establishment of the DRC from the powers and functions of the Planning Commission.
4. Amending Title 19 to assign the current approval authority of the DRC as follows:

Permit Type	Proposed Approval Authority
Exception Requests in R1 Zoning District	Planning Commission
Sign Exceptions	Planning Commission
Parking Exceptions with Minor Applications as Defined in Chapter 19.12.030	Administrative Hearing
Fence Exceptions (for height, location and/or security gates)	Administrative Hearing
Two Story Permits in R1-a Zoning District	Planning Commission

² Under Ordinance No. 1555 (1991), the City Council may appoint a Local Assessment Committee to review applications for off-site hazardous waste facilities processed pursuant to Chapter 9.20 of the Municipal Code. Based on a review of City records, it is not clear if this authority has ever been exercised. Council's authority to appoint the LAC is unchanged by the proposed Code amendments.

ASA Permits for Exposed or Visible Neon Signs	Administrative Hearing
ASA Permits for Decorative Statuary	Administrative Hearing

As noted in the table above, approval authority currently delegated to the DRC would be divided between approval at an Administrative Hearing and approval by the Planning Commission.³

Audit Committee

The City Council did not provide direction regarding the Audit Committee's responsibilities at its January 25 meeting. However, on January 23, 2023, the Audit Committee met and voted unanimously to recommend that the Council amend certain financial reporting requirements, including some requirements codified in the Municipal Code. The proposed changes to Chapter 2.88 of the Municipal Code are included in Attachments B and C.

Government Code sections 41004, 53607, and 53646⁴ govern the Treasurer's financial reporting. The City complies with section 41004 through the monthly reporting of receipts, disbursements, and fund balances to the City Council.

³ Administrative Hearings are publicly noticed meetings where decisions are made by the Hearing Officer (usually the Community Development Director or his/her designee). The meetings use procedures similar to those currently used by the DRC and meet on an as-needed basis. Types of projects considered at Administrative Hearings include decisions on parcel maps (four or fewer lot subdivisions), homes in planned development zoning districts, and additions and improvements in duplexes, triplexes, and other multi-family residential districts. Decisions of the Hearing Officer can be appealed to the Planning Commission. The Planning Commission's decisions can be appealed to the City Council.

⁴ Government Code section 41004 provides: "Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body."

Government Code section 53607 authorizes the City Council to delegate authority to invest local agency funds to the Treasurer. The Treasurer must make a monthly report of transactions to the Council.

Government Code section 53646 governs local agency investment policies and provides that "[t]he treasurer or chief fiscal officer may render a quarterly report to the chief executive officer, the internal auditor, and the legislative body of the local agency."

Consistent with the Audit Committee recommendation, this reporting will be provided directly to Council via off-agenda memoranda. No Council action is required to implement the Audit Committee recommendation.

The City complies with Government Code section 53607 by providing a monthly report of investment transactions to Council. As with Monthly Treasurer's Reports, the Audit Committee recommended that these Monthly Investment Reports be provided to Council via off-agenda memoranda. No Council action is required to implement the Audit Committee recommendation.

The City complies with Government Code section 53646 by presenting Quarterly Investment Reports for review by the City Council at a noticed public meeting. This practice would not be altered by the Audit Committee's recommendation. However, the Audit Committee recommended that the City Council amend the Committee's jurisdiction to allow the Committee to review Quarterly Investment Reports before they are presented to Council. The proposed ordinance revises Municipal Code section 2.88.100 to authorize the Audit Committee to review Quarterly Investment Reports, while allowing Monthly Treasurer's Reports to be provided directly to Council as described above.

None of the recommendations of the Audit Committee affects the processing of Accounts Payable reports, which will continue to be presented to Council for ratification pursuant to Resolution No. 5939.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

California Environmental Quality Act

The proposed action is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines section 15320 (Changes in Organization of Local Agencies). Additionally, the proposed action is exempt from CEQA because it can be seen with certainty that there is no possibility that the action in question may have a significant impact on the environment. (CEQA Guidelines, § 15061(b)(3).)

Prepared by: Astrid Robles, Management Analyst
Piu Ghosh, Planning Manager

Tina Kapoor, Economic Development Manager

Kristina Alfaro, Administrative Services Director

Reviewed by: Christopher D. Jensen, City Attorney

Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Resolution

B – Draft Ordinance (Redline)

C – Draft Ordinance (Clean)

RESOLUTION NO. _____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
REVISITING THE CITY OF CUPERTINO LEGISLATIVE ADVOCACY
POLICY**

WHEREAS, the City Council has an interest in weighing in on state, federal, and regional legislative issues that impact the City and its residents; and

WHEREAS, the City receives legislative action alerts sent by various city associations that need to be reviewed on a case by case basis; and

WHEREAS, the City Council has historically approved City positions on proposed legislation by majority vote of the City Council; and

WHEREAS, in addition to allowing for City Council action, Cupertino City Council Resolution No. 18-010 established a Legislative Advocacy Policy that delegated Council power to the Legislative Review Committee to take positions on proposed legislation where the position was within the judgment of the Committee consistent with the City's adopted Legislative Advocacy Policy; and

WHEREAS, the City Council finds that this delegation of authority is inconsistent with Municipal Code section 2.17.031, which provides that the authority of the City Council "cannot be delegated to individual Council members, nor to committees composed of council members consisting of less than a quorum of the City Council"; and

WHEREAS, the City Council wishes to revise the Legislative Advocacy Policy to ensure consistency with the Municipal Code and to allow the City Manager to take direction from the full Council, consistent with the requirements of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby adopts the Legislative Advocacy Policy attached hereto as Exhibit A.

Resolution No. _____

Page 2

2. Resolution No. 18-010 and any other procedures, policies, or rules adopted by the Council that are inconsistent with this Resolution are hereby repealed and rescinded.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of February, 2023, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____ Hung Wei, Mayor City of Cupertino</p>	<p>_____ Date</p>
<p>ATTEST:</p> <p>_____ Kirsten Squarcia, City Clerk</p>	<p>_____ Date</p>

Resolution No. _____

Page 3

LEGISLATIVE ADVOCACY POLICY

I. PURPOSE

The purpose of this policy is to establish guidelines regarding City legislative advocacy by the City Council.

II. BACKGROUND

The City has actively taken positions on legislation for many years through direction of the full Council and the Legislative Review Committee. On January 25, 2023, the City Council voted to dissolve the Legislative Review Committee and consider taking positions on pending legislation as a full Council.

III. POLICY STATEMENT

1. Each year staff will monitor and research pending legislation to identify bills that could significantly impact Cupertino. Staff will bring these identified bills to Council for consideration at a City Council meeting. With authorization from the full Council, City staff shall prepare position letters for the Mayor's signature. This work can be additionally supported by a contracted lobbyist, as needed.
2. In circumstances where Council review is impracticable, the City Manager can authorize staff to prepare position letters for the Mayor's signature on urgent matters. Positions must align with a policy adopted by the City Council or other clear direction provided by vote of the full Council that supports the position taken on legislation.
3. Legislative advocacy should focus on issues directly relevant to or impacting the provision of municipal services. Generally, the City will not address matters that are not pertinent to the City's local government services, such as international issues.

IV. IMPLEMENTATION

The City Manager shall monitor the provisions of this policy. City departments are encouraged to monitor and be knowledgeable of any legislative issues related to their discipline. However, any requests for the City to take positions on a legislative matter must be directed to the City Attorney's Office. City

Resolution No. _____

Page 4

departments may not take positions on legislative issues without City Manager's Office review, and approval from the full Council when required by this policy.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO
REPEAL MUNICIPAL CODE CHAPTERS 2.84, 2.90, AND 2.96; TO ADOPT
MUNICIPAL CODE CHAPTER 17.02; AND TO AMEND MUNICIPAL CODE
CHAPTERS 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, AND 19.124, REGARDING
CITY COMMISSIONS AND COMMITTEES**

The City Council of the City of Cupertino finds that:

WHEREAS, on January 25, 2023, the City Council held a special meeting to consider the responsibilities of commissions and committees in the City of Cupertino; and

WHEREAS, at the January 25 meeting, Council directed staff to return to Council with amendments to the Municipal Code to dissolve the Environmental Review Committee, the Design Review Committee, and the Economic Development Committee; and

WHEREAS, Council further directed staff to make modifications to the powers and functions of the Audit Committee; and

WHEREAS, Council further directed staff that the responsibilities of the dissolved committees should be transferred to other approval authorities or advisory bodies or to the Council itself.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES
ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

- A. Cupertino Municipal Code sections 2.84, 2.90, and 2.96 are hereby repealed in their entirety.
- B. The City Council hereby adopts Municipal Code Chapter 17.02, and amends Title 17 of the Cupertino Municipal Code as follows:

Chapter 17.02: California Environmental Quality Act

17.02.010 Review of CEQA Documents.

The approval authority for any discretionary project undertaken by the City shall be responsible for the review and approval of negative declarations and environmental impact reports prepared pursuant to the California Environmental Quality Act. If a legislative body advisory to the City Council makes recommendations with respect to the approval of any discretionary project that is not exempt from environmental review under the California Environmental Quality Act, the advisory body shall consider the negative declaration or environmental impact report for the project at a public hearing and may make recommendations to the City Council regarding the environmental review document.

17.02.020 CEQA Procedures

Pursuant to Title 14, Section 15022(d) of the California Code of Regulations, the CEQA Guidelines adopted by the Governor's Office of Planning and Research (Title 14, Division 6, Chapter 3 of the California Code of Regulations), as may be amended from time to time, shall apply to all discretionary projects in the City. The City Manager shall promulgate any administrative procedures necessary to tailor the guidelines to the specific operations of the City.

C. The Cupertino Municipal Code is further amended as set forth in Attachment A.

SECTION 2: Repeal of Prior Resolutions.

Cupertino City Council Resolution No. 5351 and any other prior enactment of the City Council establishing environmental assessment procedures that are inconsistent with this Ordinance are hereby repealed.

SECTION 3: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino

Ordinance No. _____

Page 3

Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 4: California Environmental Quality Act.

This Ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines section 15320 (Changes in Organization of Local Agencies) and section 15061(b)(3) (no possibility to have a significant effect on the environment).

SECTION 5: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 6: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on February 21, 2023 and **ENACTED** at a regular meeting of the Cupertino City Council on March 7, 2023 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

Ordinance No. _____

Page 4

<p>SIGNED:</p> <p>_____</p> <p>Hung Wei, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>Christopher D. Jensen, City Attorney</p>	<p>_____</p> <p>Date</p>

ATTACHMENT A - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REPEAL MUNICIPAL CODE CHAPTERS 2.84, 2.90, AND 2.96; TO ADOPT MUNICIPAL CODE CHAPTER 17.02; AND TO AMEND MUNICIPAL CODE CHAPTERS 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, AND 19.124, REGARDING CITY COMMISSIONS AND COMMITTEES

The sections of the Cupertino Municipal Code set forth below are amended or adopted as follows:

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.*

Where the explanatory text indicates that a new section is being added to the City Code, the new section is shown in plain text.

This ordinance amends several portions of the Municipal Code. For ease of review, the amendments advancing the primary objective are presented first followed by conforming amendments. There is a separate heading in bold italics for each portion of the Code being amended. Sections unaffected by the ordinance are omitted.

1. Amendments to Chapter 2.32 concerning the Planning Commission

2.32.070 Powers and Functions.

The powers and functions of the City Planning Commission shall be as follows:

- A. Prepare, periodically review, and revise as necessary, the General Plan;
- B. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning, subdivisions, and sign ordinances;
- C. Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);
- D. Endeavor to promote public interest in, comment upon, and understanding of the General Plan, and regulation relating to it;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens generally concerning implementation of the General Plan;
- F. Promote the coordination of local plans and programs with the plans and programs of other agencies;
- G. Perform other functions as the City Council provides including conducting studies and preparing plans other than those required or authorized by state law

Ordinance No. _____

Page 2

~~H. Establish as needed a standing subcommittee of the Commission for Design Review. The Planning Commission shall decide appeals of the Design Review Committee for the purposes of conducting design review on projects that properly come before the Design Review Committee for review, and conduct design review of a project as required by Chapters 2.90, 19.132, 19.134 and of the Cupertino Municipal Code.~~

2. Amendments to Chapter 2.88 concerning the Audit Committee

2.88.100 Duties–Powers–Responsibilities.

The powers and functions of the Audit Committee shall be as follows:

- A. To review the annual audit report and management letter;
- B. To recommend appointment of auditors;
- C. To review the ~~monthly~~ Quarterly Treasurer's investment report;
- D. To recommend a budget format;
- E. To review City investment policies and internal controls of such policies;
- F. To recommend appointment of internal auditors;
- G. To review internal audit reports;
- H. To review quarterly Fraud, Waste, and Abuse Program reports

3. Amendments to Chapter 9.20 concerning the Local Assessment Committee

9.20.090 Appointment of Local Assessment Committee.

Within thirty days after acceptance of the application(s) for local land use approval actions as complete, the City Council shall appoint a Local Assessment Committee in accordance with the provisions of Section 9.20.230 of this chapter.

A. Scoping Meeting. Within the prescribed statutory time limits following notification to OPA that the application(s) for local land use approval(s) is/are complete, the OPA shall convene a scoping meeting at a date, time and place within the City, subject to the hearing notice requirements provided in Section 9.20.280 of this chapter. The purpose of said scoping meeting is to determine the issues which concern the agencies required to review the proposed facility, and the issues which concern the public, including review of the project under the California Environmental Quality Act. The applicant, the LAC, the Cupertino Director of Community Development, and representatives of the lead agency and responsible agencies shall attend the scoping meetings.

B. Meet and Confer. Following the scoping meeting described in subsection A, the applicant, the Local Assessment Committee (LAC) and LAC staff shall meet and confer for purposes of establishing terms and conditions under which the proposed offsite hazardous waste facility may be acceptable to the city. Based on the results of the meet and confer session, the applicant may amend the application materials submitted for the

local land use decision. The requirement for environmental assessment for the project may be waived by the City if the applicant agrees that an environmental impact report must be prepared for the project.

9.20.100 Environmental Assessment.

~~—A. Within thirty days of the meet and confer session described Section 9.20.090(B), the City's Environmental Review Committee (ERC) shall assess the environmental effects of the local land use actions for the proposed off-site hazardous waste facility.~~

~~—B. As provided in Section 9.20.140(B) of this chapter, the requirement for environmental assessment may be waived by the City upon prior agreement with the applicant that an environmental impact report is to be prepared.~~

~~—C. Completion of the environmental assessment process shall be evidenced by a recommendation of the ERC that a negative declaration be approved for all local land use applications pertaining to the proposed facility, or, in the case where an environmental impact report is required, filing of a notice of completion in accordance with the California Environmental Quality Act Guidelines. [repealed]~~

9.20.110 Public Hearing by Planning Commission.

~~A. Within thirty days of completion of the local land use action environmental assessment,~~ The City shall conduct a public hearing before the Planning Commission for the local land use application(s) affecting the proposed off-site hazardous waste facility. The public hearing shall be subject to the notification requirements described in Section 9.20.280 of this chapter.

B. The Planning Commission's decision(s) on the application(s), whether a final action or a recommendation to the City Council, shall be rendered in accordance with procedural ordinance, Ordinance No. 652.

C. The Planning Commission's decision(s) to approve the application(s), whether final action or a recommendation to the City Council, shall be accompanied by the following written findings for each separate action:

1. That the proposed facility is consistent with the Cupertino general plan;
2. That the proposed facility will not be detrimental to the health, safety or general welfare of the community;
3. That the proposed facility is consistent with the provisions of the Association of Bay Area Governments' regional fair share memorandum of understanding, and with the siting policies established in the Santa Clara County hazardous waste management plan;
4. That the proposed facility is consistent with the siting criteria stated in Section 9.20.290 of this chapter.

Ordinance No. _____

Page 4

4. Amendments to Title 19 concerning the Design Review Commission

19.08.030 Definitions.

"Permit" means a permit issued by the City Council, Planning Commission, Design Review Committee, Director of Community Development, or any other decision body as empowered by the Cupertino Municipal Code, approving architecture, site improvements, buildings, structures, land and/or uses. Permits may include but shall not be limited to Administrative Approvals, Two-story Permits, Minor Residential Permits, Architectural and Site Approvals, Development Permits, Conditional Use Permits, Exceptions, Variances or Subdivision Maps.

[Note: Other definitions omitted.]

19.12.030 Approval Authority.

Table 19.12.030 shows the approval authority, Noticing Radius, Expiration Date and Extension Dates for different types of Permits.

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review	Design Review Committee	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
General Plan Amendment										
Major F	-	-		R	F	PH	CA. Govt. Code 65350-65362	Yes	-	CA. Govt. Code 65350-65362
Minor G	-	-		R	F	PH		Yes	-	
Zoning Map Amendments										
Major F	-	-		R	F	PH	CA. Govt. Code 65853-65857	Yes	-	19.152.020
Minor G	-	-		R	F	PH		Yes	-	
Zoning Text Amendments	-	-		R	F	PH	CA. Govt. Code 65853-65857	-	-	19.152.030
Specific Plans	-	-		R	F	PH	CA. Govt. Code 65350-65362	-	-	20.04.030
Development Agreements	-	-		R	F	PH	CA. Govt. Code 65867	Yes	-	19.144.120
Development Permits										
Major F, H	-	-		F/R	A1/F	PM	19.12.110/300'	Yes	2 years	19.156.050
Minor G	F	-		A1	A2	PM		Yes	2 years	
Conditional Use Permits										
Major F, H, I	F	-		A1/F/R	A1/ A2/F	PH	CA. Govt. Code 65905	Yes	2 years	19.156.050
Minor G, I	F	-		A1/F/R	A1/ A2/F	PH		Yes	2 years	
Temporary	F	-		A1	A2	-	None	No	1 year	None/ 19.160.030
Density Bonus (Residential)				R	F	Based on concurrent application	19.56			
Adult-Oriented Commercial Activity (CUP)		-		R	F	PH	CA. Govt. Code 65905/300'	Yes	2 years	19.128.030 & 19.128.040
Architectural and Site Approval										
Major J	F	-		A1	A2	PM	19.12.110/	Yes	2 years	19.168.030
Minor K	F	-		A1	A2	PM		Yes	2 years	
Amendment										
Major F, H	-	-		F	A1	Varies L		Yes	2 years	19.44,

Ordinance No. _____
Page 6

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review	Design Review Committee	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
Minor G	F	-		A1	A2	Varies L	Depends on permit being amended L	Yes	2 years	19.144, 19.156, 19.164
Minor Modification	F	-		A1	A2	-	None	No	2 years	19.164
Hillside Exception/ Height Exception/ Heart of the City Exception I	-	-		F	A1	PH	19.12.110/300'	Yes	2 years	19.40.080, 19.24.070, 19.136.090
Variance	F	-		A1	A2	PH	CA. Govt. Code 65905	Yes	2 years	19.156.060
Status of non- conforming Use	-	-		F	A1	PH	19.12.110/300'	Yes	-	19.140.110
Wireless Antennas I	F	-		F/ A1	A2	Varies I	Depends on application type	Yes	2 years	19.136.090
Signs										
Permits	F	-		A1	A2	-	None	No	1 year	19.104
Neon, Reader board & Freeway Oriented Signs I	-E	F≡		F/A1	A1/A2 M	PM	19.12.110/300"	No	1 year	19.104
Programs	F	-		A1	A2	-	None	No	1 year	19.104
Exceptions I	-	F≡		-E	A1-M	PM	19.12.110/ Adjacent	Yes	1 year	19.104.290
Parking Exceptions I	F M	F≡		E/A1	A1-M /A2	Varies NM	19.12.110/ Adjacent/ 300" ON	Yes	1 year	19.124.050
Fence Exceptions	-E	F≡		A1-	A2+ L	PM	19.12.110/ Adjacent	Yes	1 year	19.48.060
Front Yard Interpretation	F	-		A1	A2	PM	19.12.110/ Adjacent	Yes	1 year	19.08
R-1 Ordinance Permits										
Two-story I	F	F≡		F/A1	A1 L/ A2	Varies I	19.12.110/ Adjacent	Yes	1 year	19.28.140
Minor Residential	F	-		A1	A2	CP		No	1 year	
Exceptions I	-	F≡		-E	A1-M	PM		Yes	1 year	
Miscellaneous Ministerial Permit	F	-		-	-	None	Adjacent	Yes	1 Year	19.28.150 and 19.40.090
Miscellaneous Ministerial Permit	Not Allowed									
Protected Trees										

Ordinance No. _____
Page 7

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review	Design Review Committee	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
Tree Removal	F	-		A1	A2	CP	Adjacent unless exempt	Yes	1 year	14.18.180
Heritage Tree Designation & Removal	-	-		F	A1	PM	19.12.110/ 300'	Yes	-	14.18
Tree Management Plan	F	-		A1	A2	-	None	No	-	14.18
Retroactive Tree Removal	F	-		A1	A2	-	None	No	-	14.18
Reasonable Accommodation	F	-		A1	A2	-	None	No	1 year	19.52.050
Extensions PQ										
Parking, Fence & Sign Exceptions & Front Yard Interpretations	F	-		A1	A2	-	None	No	1 year	
Neon, Reader board & Freeway Oriented Signs	F			A1	A2	-	None	No	1 year	
Two Story Permits, Minor Residential Permits and Exceptions	F			A1	A2	-	None	No	1 year	
Tree Removals	F	-		A1	A2	-	-	No	1 year	
All other projects	F	-		A1	A2	-	19.12.110/ None	No	2 years	
Miscellaneous Ministerial Permit	Not Allowed									
Public Art Architectural and Site Approval Permits										
Public Art	-	-	F	-	A1	PM	None	None	None	2.80 and 19.148
Art in lieu payment	-	-	R	-	F	PM	None	None	None	2.80 and 19.148
KEY:										
R—Review and recommendation body						F—Final decision-making body unless appealed				
A1—Appeal Body on first appeal						A2—Appeal body on second appeal				
PH—Public Hearing						PM—Public Meeting				
CP—Comment Period										

Notes:

- A. Permits can be processed concurrently with other applications, at the discretion of the Director of Community Development.
- B. Projects with combined applications shall be processed at the highest level of approval in conformance with Section 19.04.090.
- C. Public Hearing: Projects types that need noticing pursuant to the CA Government Code; Public Meeting: Project types that need only a mailed notice and no newspaper notices; Comment Period: Project types that need only a mailed notice and do not need a public hearing or public meeting.
- D. Noticing Radius of an application in a combined application shall correspond to the maximum noticing radius required for any one of the applications.
- E. Expiration date of an application in a combined application shall correspond to the maximum expiration date allowed for any one of the development applications (not including Subdivision Map Act applications, General Plan Amendments and Zoning Map or Text Amendments.)
- F. Major General Plan Amendment, Conditional Use Permit, Development Permit application - for more than ten thousand square feet of commercial and/or industrial and/or office and/or other non-residential use, or greater than six residential units.
- G. Minor General Plan Amendment, Conditional Use Permit, Development Permit application - for ten thousand square feet or less of commercial and/or industrial and/or office and/or other non-residential use, or six or less residential units.
- H. City Council review for applications with new development greater than fifty thousand square feet of commercial, and/or greater than one hundred thousand square feet of industrial and/or office and/or other non-residential use, and/or greater than fifty residential units.

Planning Commission review for all other applications.
- I. Please see specific zoning district regulations or chapters in this title that apply to the subject property or project for approval authority.
- J. Major Architectural and Site Approval application - architectural and site approval for all projects that are not a Minor Architectural and Site Approval application.

Ordinance No. _____

Page 9

K. Minor Architectural and Site Approval application - single family home in a planned development zoning district, minor building architectural modifications, landscaping, signs and lighting for new development, redevelopment or modification in such zones where review is required and minor modifications of duplex and multi-family buildings.

L. Meeting type and noticing are dependent on the underlying permit being modified.

~~M. Appeals of Design Review Committee decisions shall be heard by the City Council.~~

~~NM.~~ Parking Exceptions approved by the Director of Community Development need a comment period.

~~—Parking Exceptions approved by the Design Review Committee need a public meeting.~~

~~ON.~~ Parking Exceptions in Single-family residential (R1) zones and Duplex (R2) zones need adjacent noticing.

All other Parking Exceptions need notices within three hundred feet of the exterior boundary of the subject property.

~~PO.~~ Application must be filed prior to expiration date of permit. Permit is extended until decision of the Approval Body on the extension.

19.12.050 ~~Authority of the Design Review Committee.~~

~~—Subject to the provisions of this chapter and general purpose and intent of this title, the authority of the Design Review Committee is as follows:~~

~~—A. Grant any permits and exceptions which are authorized to be issued by the Design Review Committee pursuant to Section 19.12.030 and any other provisions of this code;~~

~~—B. Grant parking exceptions for projects that are in conjunction with permits which are authorized to be issued by the Design Review Committee pursuant to Section 19.12.030. [repealed]~~

19.12.120 Action by Director of Community Development–Administrative.

A. For applications requiring Administrative review with no public meeting, public hearing or comment period, the Director of Community Development or his or her designee may, subject to the requirements of Section 19.12.100, issue his or her decision no later than thirty days from receipt of all information, unless referred to a different approval authority for a decision.

B. For applications requiring Administrative review with a public meeting, public hearing or comment period, the Director of Community Development or his or her designee may, subject to the requirements of Section 19.12.100:

1. Issue his or her decision at the conclusion of the public meeting, public hearing or comment period;

2. Continue the item for additional public hearings, public meetings or comment period; or

3. Defer action by taking the item under advisement and issuing the decision no later than thirty days following the public meeting, public hearing or comment period.

No additional noticing is required if a project is continued.

C. For applications where a public meeting or public hearing is required to be held before the Director of Community Development, the meeting shall be held in the same manner as a ~~Design Review Committee~~ Planning Commission meeting.

19.12.130 Action by ~~Design Review Committee~~ and Planning Commission.

A. For applications where the ~~Design Review Committee~~ or Planning Commission is the Approval Body, it shall render a decision, which is supported by the evidence contained in the application or presented at the meeting, at the meeting, or at a subsequent meeting after conclusion of the public hearing or public meeting, subject to the requirements of Section 19.12.100.

B. For zoning map amendments, on the basis of evidence and testimony presented to the Planning Commission at the public hearing, the Planning Commission may determine that the public interest will be served, either by revising the area being considered for reclassification to include properties not originally part of the application, or by giving consideration to district classifications not originally requested by the application. The Planning Commission may, solely at its option, consider additional properties or district classifications, or both.

C. For applications requiring City Council approval, the reviewing body shall forward its written findings, determinations and recommendation to the City Council for final action, subject to the requirements of Section 19.12.100.

19.12.150 Notice of Decision and Reports.

A. Notice of decision:

1. The decision for applications approved with a public meeting or public hearing shall be mailed to the property owner and applicant at the address shown on the application.

2. The decision for applications approved with a comment period shall be mailed to the property owner and the applicant at the address shown on the application and any person who has commented on the proposed project within the comment period or during revocation proceedings.

3. The decision shall contain the following:

a. Applicable findings;

b. Any reasonable conditions or restrictions deemed necessary to secure the purpose of this title and to assure operation of the development and/or use in a manner compatible with existing and potential uses on adjoining properties and in the general vicinity; and

c. Reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety and welfare of the City.

4. The decision of the Director of Community Development, ~~Design Review Committee~~ or Planning Commission shall be final unless appealed in accord with Section 19.12.170. A decision of the City Council shall be final.

B. Reports: The Director of Community Development shall endeavor to forward reports, within five calendar days from the date of the decision, to the:

1. Planning Commission and the City Council of a decision by the Director of Community Development.

~~—2. Planning Commission and the City Council of a decision by the Design Review Committee.~~

Ordinance No. _____

Page 12

32. City Council of a decision by the Planning Commission.

19.28.040 Permits Required for Development.

Table 19.28.040 sets forth the planning permits required for development in the Single-Family Residential district.

Table 19.28.040 Permits Required			
Planning permit required prior to building permit application	Approval authority	Type of Project	<u>Approval Authority</u>
A. None	Admin.	One-story single-family project that does not require exception or variance from the requirements of this chapter	<u>Admin.</u>
B. Minor Residential Permit, pursuant to Chapter 19.12, Administration		1. One-story encroachment into a required rear yard setback, subject to requirements of Section 19.28.070	<u>Admin</u>
		2. One-story extension of an existing side yard nonconforming building wall line, subject to requirements of Section 19.28.100 in all districts except R1-a	
		3. One-story project with a gable end of a roof enclosing an attic space projecting outside the building envelope, subject to requirements of Section 19.28.070 or 19.28.080	
		4. New or expanded second story deck or balcony with views into neighboring residential side or rear yards in all districts except R1-a or on any project previously developed pursuant to Government Code Section 65852.21	
		5. Any active or passive solar structure that requires variation from the setback or height restrictions of this chapter, provided that no such structure shall infringe upon solar easements or adjoining property owners	
		6. One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded areas with actual slopes equal to or greater than 20% and with total floor area ratio of all structures on the lot greater than 35%	

Table 19.28.040 Permits Required			
Planning permit required prior to building permit application	Approval authority	Type of Project	Approval Authority
C. Director's Minor Modification, pursuant to Chapter 19.12, Administration		Encroachment of porch elements into the required front yard setback in the R1-a zone, subject to the requirements of Section 19.28.100	<u>Admin</u>
D. Two-Story Permit, pursuant to Chapter 19.12, Administration		Two-story addition or new two-story home in all districts that do not require Residential Design Review per Section 19.28.040(I) except in an R1-a zone	<u>Admin</u>
E. Residential Design Review, pursuant to Chapter 19.12, Administration	Admin. with design review	Two-story addition or new two-story home in all districts except R1-a where: 1. Second floor to first floor area ratio is greater than 66%, except any second to first floor ratio for development on building pads/graded areas with actual slopes equal to or greater than 20%; and/or 2. Where second story side yard setback(s) are less than 15 feet to any interior side property line	<u>Admin. with design review</u>
	DRC with design review	Two-story addition, new two-story home, and/or second story deck in the R1-a zone	<u>PC</u>
F. Exception, pursuant to Chapter 19.12, Administration & Section 19.28.130 , Exceptions	DRC	One or two-story project requesting an exception from Sections 19.28.070 [Development Regulations (Building)], 19.28.080 [Eichler R1-e Building Design Requirements], and/or 19.28.110 [Landscape Requirements].	<u>PC</u>
G. Hillside Exception, pursuant to Chapter 19.12, Administration	<u>PC</u>	Development (area greater than 500 square feet) on slopes greater than 30%	<u>PC</u>
H. Architectural and Site Approval, pursuant to Chapter 19.12, Administration		One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded areas with actual slopes equal to or greater than 20% and where the cut plus fill of the site exceeds 2,500 cubic yards	
I. Conditional Use Permit, pursuant to Chapter 19.12, Administration		Two-story addition or new two-story home in an R1 zoning district with an "i" suffix	

Table 19.28.040 Permits Required			
Planning permit required prior to building permit application	Approval authority	Type of Project	<u>Approval Authority</u>
J. Single-Story Overlay District Application, pursuant to Chapter 19.12, Administration	CC	Establishment or removal of a Single-Story Overlay District in a Single Family Residential District (Addition or removal of the "I" suffix in an R1 zoning district)	CC
K. Miscellaneous Ministerial Permit	Admin	<ol style="list-style-type: none"> 1. New one or two-story duplex project in an R1 zoning district pursuant to Government Code Section 65852.21 2. New one or two-story single-family home, secondary principal dwelling unit, or two-story addition in an R1 zoning district pursuant to Government Code Section 65852.21 	<u>Admin</u>

19.28.130 Exceptions.

Where results inconsistent with the purpose and intent of this chapter result from the strict application of the provisions hereof, exceptions to Sections 19.28.070, 19.28.080, and 19.28.110 may be granted by the ~~Design Review Committee~~ Planning Commission. The specific procedural requirements shall follow Chapter 19.12.

19.104.140 Permanent Wall Signs.

Table 19.104.140 sets forth the rules, regulations and processing applicable to permanent wall signs.

Table 19.104.140 Wall Signs

Use/ zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed area and length	Max. Area			
Commercial & Industrial	1. One sign per business with exterior frontage 2. One additional for: – Businesses with no ground sign and adjacent to more than one street or shopping center driveway. – Sign directed to interior of project and not visible from any public right- of- way. – Single tenant building pad with more than 5,000 s.f.	1. 1 s.f. per linear ft of store frontage on which sign is located. 2. 70% of store frontage maximum 3. Length = total combined length of each row of sign copy 4. Minimum area = 20 s.f.	200 s.f.	1. No more than one wall sign per frontage 2. Shall not project above the roof or top of parapet, unless it is an integral part of the face of an architectural projection. 3. No projecting wall sign shall extend into a public right-of-way more than twelve inches. Any projecting sign shall have a vertical clearance of at least fifteen feet above a private or public vehicular roadway, alley, driveway or parking area, and at least eight feet above a sidewalk, pedestrian mall or landscaped area.	CDD	Meets Design Criteria in Section 19.104.220
Office & Institutional	1. One sign per business with exterior frontage 2. One additional for: – Businesses with no ground sign and adjacent to more than one street or major shopping center driveway. – Sign directed to interior of project and not visible from any public right- of- way.	1. 1 s.f. per linear ft. of business frontage on which sign is located. 2. 70% of business frontage maximum 3. Length = total combined length of each row of copy	40 s.f.	Same as above	CDD	Same as above

Ordinance No. _____

Page 16

Table 19.104.140 Wall Signs						
Use/ zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed area and length	Max. Area			
CDD - Community Development Director; PC - Planning Commission; DRC – Design Review Committee; s.f. = square feet; ft = feet						

19.104.150 Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias.

Table 19.104.150 sets forth the rules, regulations and processing applicable to Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias.

Table 19.104.150: Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias						
	Use/Zoning	Number	Maximum Area	Location	Review Authority	Review Criteria
A. Permanent Window Signs	All	One or more	<ul style="list-style-type: none"> ▪ Considered part of wall sign area ▪ 25% of window surface of each storefront bay. ▪ Neon window sign = 4 s.f. 	Perimeter neon window signage not allowed	CDD	Meets Design Criteria in Sec. 19.104.220
			<ul style="list-style-type: none"> ▪ One "open" sign less than two s.f. exempt 			
B. Blade Signs	All except residential districts	One on each frontage up to a maximum of two	6.5 s.f.	Between 8 ft. and 12 ft. above pedestrian walkways.	<ul style="list-style-type: none"> ▪ Illuminated – CDD ▪ Not illuminated - Exempt 	Shall be pedestrian oriented only and shall meet Design Review Criteria in Sec. 19.104.220
C. Logos, Symbols or Insignia	All except residential districts	Same as Sec. 14.24.050	9 s.f.	Same as Sec. 19.104.140	<ul style="list-style-type: none"> ▪ Illuminated – CDD ▪ Not illuminated - exempt 	Shall meet Design Review Criteria in Sec. 19.104.220 and restrictions in Sec. 19.104.190
CDD - Community Development Director; PC - Planning Commission; DRC - Design Review Committee; s.f. = square feet; ft = feet						

19.104.160 Ground Signs.

Table 19.104.160 sets forth the rules, regulations and processing applicable to Ground Signs.

Table 19.104.160: Ground Signs

Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed Area & Length	Maximum Height			
All non-residential areas	<ul style="list-style-type: none"> One sign if minimum 100 ft. street frontage Two signs if 500 ft. street frontage 	<ul style="list-style-type: none"> One s.f. per four linear ft. of street frontage. Maximum area = 100 s.f. V-shaped and signs with more than two faces: Area of all faces of sign = Total Sign Area. Double faced signs: Area of larger face of sign = Total Sign Area Maximum number of tenants on sign = six 	<ul style="list-style-type: none"> Eight ft. Street address numbers or range of numbers for businesses shall be clearly identified in numbers not less than 5 inches in height 	<ul style="list-style-type: none"> Corner property: Sign has to be located on street frontage with the site's address. Every ground sign shall be located wholly on the property for the use which the sign is advertising is located on. No portion of any ground sign shall be located closer than one foot from the public right-of-way. No portion of any sign over three feet in height shall be located within a corner triangle or sidewalk site triangle. Signs on interior lots <200 ft. of frontage shall be located within the center 50% of the lot frontage. Interior lots > 200 ft. of frontage shall locate ground signs no closer than 50 ft 	CDD	<ul style="list-style-type: none"> Shopping Center or multitenant commercial development with a center name shall emphasize that name Shall meet Design Criteria in Section 19.104.220

Table 19.104.160: Ground Signs						
Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed Area & Length	Maximum Height			
				from a side property line (See Appendix A) <ul style="list-style-type: none"> No ground sign shall be located closer than one hundred feet from any other ground sign on the same property 		
CDD - Community Development Director; PC - Planning Commission; DRC - Design Review Committee ; s.f. = square feet; ft = feet						

19.104.170 Gasoline Station Signs.

Table 19.104.170 sets forth the rules, regulations and processing applicable to Gasoline Station Signs.

Table 19.104.170: Gasoline Station Signs					
Type of Sign	Number	Size, Maximum Area and Allowable Area	Location	Review Authority	Review Criteria
A. Wall Sign	Same as Sec. 19.104.140	Same as Sec. 19.104.140	Same as Sec. 19.104.140	CDD	<ul style="list-style-type: none"> Meets Design Criteria in Sec. 19.104.220
B. Ground Sign	1 ground sign regardless of frontage	Same as Sec. 19.104.160	Same as Sec. 19.104.160	CDD	<ul style="list-style-type: none"> Meets Design Criteria in Sec. 19.104.220
C. Fuel Price Ground Sign	Fuel price sign to be incorporated into the design of the ground sign	Computes toward Allowable Ground Sign Area	See above	CDD	<ul style="list-style-type: none"> Is incorporated into the design of the ground sign Letter size of price display on fuel price sign shall not exceed minimum specifications contained in Sec. 13532 of the California Business and Professions Code Meets Design Criteria in Sec. 19.104.220

D. Fuel Price Wall Sign	If service station is not identified on ground sign, in addition to any wall sign allowed to the service station per Sec. 19.104.140, a second fuel price sign is allowed	Number of product prices on fuel price sign not to exceed eight per face.	Attached to the wall of the building facing the public street	CDD	▪ Same as above.
CDD - Community Development Director; PC - Planning Commission; DRC - Design Review Committee					

19.104.180 Electronic Readerboard Signs, Changeable Copy Signs, Exposed & Visible Neon Signs, Decorative Statuary and Beverage Container Recycling Signs.

Table 19.104.180 sets forth the rules, regulations and processing applicable to Electronic Readerboard Signs, Changeable Copy Signs, Exposed & Visible Neon Signs, Decorative Statuary and Beverage Container Recycling Signs.

Table 19.104.180 Electronic Readerboard Signs, Changeable Copy Signs, Exposed or Visible Neon Signs, Decorative Statuary & Beverage Container Recycling Signs						
	Use/ Zoning	Number	Size and Height	Location	Review Authority	Review Criteria
A. Electronic Readerboard Signs	Commercial	One sign for centers with 20 tenants or more and 50,000 s.f. of gross floor area	Same as Sec. 19.104.160	<ul style="list-style-type: none"> ▪ No closer than 500 ft from any residential district on the same street as the sign ▪ Same as Sec. 19.104.160 	PC	Background of electronic readerboard will be the same color as the primary background. If not practical, then a color that is complementary to the background color shall be used
B. Change- able Copy Signs	Commercial	N/A	Included in total allowable	N/A	CDD	Deemed necessary to the type of merchandising of that business. Shall consist of permanent sign and symbols

			wall sign area			or letters made of high quality and durable materials
C. Exposed or visible neon signs	All	N/A	N/A	N/A	DRC CDD	Shall meet Illumination Restrictions in Section 19.104.230
D. Decorative Statuary	All except residential districts	N/A	N/A	N/A	<p>If DRC determines it is Fine Art, it may refer to another commission a CDD</p> <p>If not publicly visible, then exempt</p>	In conjunction with the overall architectural design of the building, the landscaping scheme and the sign program for the business.
E. Beverage Container Recycling	Where allowed	<ul style="list-style-type: none"> Wall signs-as allowed by Sec. 19.104.140 Ground signs- as allowed by Sec. 19.104.160 One building mounted sign 	10 s.f. maximum	N/A	N/A	<ul style="list-style-type: none"> Dealer subject to provisions of California Beverage Container Recycling and Litter Reduction Act of 1986. Sign should contain information concerning a certified recycling center as described in Sections 14570 and 14571 of Public Resources Code. Certified Redemption Center sign - subject to limitations and review procedure of zoning district where it is located.
CDD - Community Development Director; PC - Planning Commission; DRC - Design Review Committee ; s.f. = square feet; ft = feet						

19.104.190 Signs in and Near Residential Districts.

Table 19.104.190 sets forth the rules, regulations and processing applicable to Signs in and near Residential Districts.

Table 19.104.190 Signs in and near Residential Districts							
	Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
			Area	Height			
A. Signs near residential districts	All except residential	<ul style="list-style-type: none"> Wall Sign- Same as Sec. 19.104.140 Ground Sign - Same as Sec. 19.104.160 	<ul style="list-style-type: none"> Wall Sign - Same as Sec. 19.104.140 Ground Sign - Same as Sec. 19.104.160 	<ul style="list-style-type: none"> Wall Sign - Same as Sec. 19.104.140 Ground Sign - Same as Section 19.104.160 	No internally illuminated sign permitted within 100 ft from any residential districts except if the sign face is mounted so it is not visible to any residence within 100 ft of the sign	CDD	Shall meet design criteria specified in Sec. 19.104.220
B. Name plates, streets or Unit numbers	Residential	One or more	2 s.f. or less	N/A	N/A	CDD	
C. Development Identification Signs	Residential	<ul style="list-style-type: none"> One sign for interior lot Two signs for corner development 	32 s.f.	5 ft	<ul style="list-style-type: none"> If one sign allowed, at major entry If two allowed, one on each street front 	CDD	<ul style="list-style-type: none"> Shall contain only name and address of development. Shall meet design criteria specified in Sec. 19.104.220
CDD - Community Development Director; PC - Planning Commission; DRC - Design Review Committee ; s.f. = square feet; ft = feet							

19.124.050 Exceptions—Approval Authority.

A. The Director of Community Development may approve the following exceptions upon making the written findings in Section 19.124.060:

- Exceptions to this chapter for properties located in:
 - The Single-Family (R-1) Residential Zoning District;

Ordinance No. _____

Page 22

- b. The Duplex (R2) Zoning District;
 - 2. Single Family homes or duplexes in a Planned Development District;
 - ~~3. — 2. Tandem parking arrangements in residential zoning districts;~~
 - 4. Parking exceptions for Minor applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060.
- B. ~~The Design Review Committee may approve parking exceptions for Minor applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060;~~
- ~~C. The Planning Commission may approve parking exceptions for Major applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060.~~

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO
REPEAL MUNICIPAL CODE CHAPTERS 2.84, 2.90, AND 2.96; TO ADOPT
MUNICIPAL CODE CHAPTER 17.02; AND TO AMEND MUNICIPAL CODE
CHAPTERS 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, AND 19.124, REGARDING
CITY COMMISSIONS AND COMMITTEES**

The City Council of the City of Cupertino finds that:

WHEREAS, on January 25, 2023, the City Council held a special meeting to consider the responsibilities of commissions and committees in the City of Cupertino; and

WHEREAS, at the January 25 meeting, Council directed staff to return to Council with amendments to the Municipal Code to dissolve the Environmental Review Committee, the Design Review Committee, and the Economic Development Committee; and

WHEREAS, Council further directed staff to make modifications to the powers and functions of the Audit Committee; and

WHEREAS, Council further directed staff that the responsibilities of the dissolved committees should be transferred to other approval authorities or advisory bodies or to the Council itself.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES
ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

- A. Cupertino Municipal Code sections 2.84, 2.90, and 2.96 are hereby repealed in their entirety.
- B. The City Council hereby adopts Municipal Code Chapter 17.02, and amends Title 17 of the Cupertino Municipal Code as follows:

Chapter 17.02: California Environmental Quality Act

17.02.010 Review of CEQA Documents.

The approval authority for any discretionary project undertaken by the City shall be responsible for the review and approval of negative declarations and environmental impact reports prepared pursuant to the California Environmental Quality Act. If a legislative body advisory to the City Council makes recommendations with respect to the approval of any discretionary project that is not exempt from environmental review under the California Environmental Quality Act, the advisory body shall consider the negative declaration or environmental impact report for the project at a public hearing and may make recommendations to the City Council regarding the environmental review document.

17.02.020 CEQA Procedures

Pursuant to Title 14, Section 15022(d) of the California Code of Regulations, the CEQA Guidelines adopted by the Governor's Office of Planning and Research (Title 14, Division 6, Chapter 3 of the California Code of Regulations), as may be amended from time to time, shall apply to all discretionary projects in the City. The City Manager shall promulgate any administrative procedures necessary to tailor the guidelines to the specific operations of the City.

C. The Cupertino Municipal Code is further amended as set forth in Attachment A.

SECTION 2: Repeal of Prior Resolutions.

Cupertino City Council Resolution No. 5351 and any other prior enactment of the City Council establishing environmental assessment procedures that are inconsistent with this Ordinance are hereby repealed.

SECTION 3: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino

Ordinance No. _____

Page 3

Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 4: California Environmental Quality Act.

This Ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines section 15320 (Changes in Organization of Local Agencies) and section 15061(b)(3) (no possibility to have a significant effect on the environment).

SECTION 5: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 6: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on February 21, 2023 and **ENACTED** at a regular meeting of the Cupertino City Council on March 7, 2023 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

Ordinance No. _____

Page 4

<p>SIGNED:</p> <p>_____</p> <p>Hung Wei, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>Christopher D. Jensen, City Attorney</p>	<p>_____</p> <p>Date</p>

ATTACHMENT A - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REPEAL MUNICIPAL CODE CHAPTERS 2.84, 2.90, AND 2.96; TO ADOPT MUNICIPAL CODE CHAPTER 17.02; AND TO AMEND MUNICIPAL CODE CHAPTERS 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, AND 19.124, REGARDING CITY COMMISSIONS AND COMMITTEES

The sections of the Cupertino Municipal Code set forth below are amended or adopted as follows:

1. Amendments to Chapter 2.32 concerning the Planning Commission

2.32.070 Powers and Functions.

The powers and functions of the City Planning Commission shall be as follows:

- A. Prepare, periodically review, and revise as necessary, the General Plan;
- B. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning, subdivisions, and sign ordinances;
- C. Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);
- D. Endeavor to promote public interest in, comment upon, and understanding of the General Plan, and regulation relating to it;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens generally concerning implementation of the General Plan;
- F. Promote the coordination of local plans and programs with the plans and programs of other agencies;
- G. Perform other functions as the City Council provides including conducting studies and preparing plans other than those required or authorized by state law.

2. Amendments to Chapter 2.88 concerning the Audit Committee

2.88.100 Duties–Powers–Responsibilities.

The powers and functions of the Audit Committee shall be as follows:

- A. To review the annual audit report and management letter;
- B. To recommend appointment of auditors;
- C. To review the Quarterly Treasurer’s investment report;
- D. To recommend a budget format;
- E. To review City investment policies and internal controls of such policies;
- F. To recommend appointment of internal auditors;
- G. To review internal audit reports;
- H. To review quarterly Fraud, Waste, and Abuse Program reports

3. Amendments to Chapter 9.20 concerning the Local Assessment Committee

9.20.090 Appointment of Local Assessment Committee.

Within thirty days after acceptance of the application(s) for local land use approval actions as complete, the City Council shall appoint a Local Assessment Committee in accordance with the provisions of Section 9.20.230 of this chapter.

A. Scoping Meeting. Within the prescribed statutory time limits following notification to OPA that the application(s) for local land use approval(s) is/are complete, the OPA shall convene a scoping meeting at a date, time and place within the City, subject to the hearing notice requirements provided in Section 9.20.280 of this chapter. The purpose of said scoping meeting is to determine the issues which concern the agencies required to review the proposed facility, and the issues which concern the public, including review of the project under the California Environmental Quality Act. The applicant, the LAC, the Cupertino Director of Community Development, and representatives of the lead agency and responsible agencies shall attend the scoping meetings.

B. Meet and Confer. Following the scoping meeting described in subsection A, the applicant, the Local Assessment Committee (LAC) and LAC staff shall meet and confer for purposes of establishing terms and conditions under which the proposed offsite hazardous waste facility may be acceptable to the city. Based on the results of the meet and confer session, the applicant may amend the application materials submitted for the local land use decision. The requirement for environmental assessment for the project may be waived by the City if the applicant agrees that an environmental impact report must be prepared for the project.

9.20.100 Environmental Assessment. [repealed]

9.20.110 Public Hearing by Planning Commission.

A. The City shall conduct a public hearing before the Planning Commission for the local land use application(s) affecting the proposed off-site hazardous waste facility. The public hearing shall be subject to the notification requirements described in Section 9.20.280 of this chapter.

B. The Planning Commission's decision(s) on the application(s), whether a final action or a recommendation to the City Council, shall be rendered in accordance with procedural ordinance, Ordinance No. 652.

C. The Planning Commission's decision(s) to approve the application(s), whether final action or a recommendation to the City Council, shall be accompanied by the following written findings for each separate action:

1. That the proposed facility is consistent with the Cupertino general plan;

2. That the proposed facility will not be detrimental to the health, safety or general welfare of the community;

3. That the proposed facility is consistent with the provisions of the Association of Bay Area Governments' regional fair share memorandum of understanding, and with the siting policies established in the Santa Clara County hazardous waste management plan;

4. That the proposed facility is consistent with the siting criteria stated in Section 9.20.290 of this chapter.

4. Amendments to Title 19 concerning the Design Review Commission

19.08.030 Definitions.

"Permit" means a permit issued by the City Council, Planning Commission, Director of Community Development, or any other decision body as empowered by the Cupertino Municipal Code, approving architecture, site improvements, buildings, structures, land and/or uses. Permits may include but shall not be limited to Administrative Approvals, Two-story Permits, Minor Residential Permits, Architectural and Site Approvals, Development Permits, Conditional Use Permits, Exceptions, Variances or Subdivision Maps.

[Note: Other definitions omitted.]

19.12.030 Approval Authority.

Table 19.12.030 shows the approval authority, Noticing Radius, Expiration Date and Extension Dates for different types of Permits.

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review		Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
General Plan Amendment										
Major F	-			R	F	PH	CA. Govt. Code 65350-65362	Yes	-	CA. Govt. Code 65350-65362
Minor G	-			R	F	PH		Yes	-	
Zoning Map Amendments										
Major F	-			R	F	PH	CA. Govt. Code 65853-65857	Yes	-	19.152.020
Minor G	-			R	F	PH		Yes	-	
Zoning Text Amendments	-			R	F	PH	CA. Govt. Code 65853-65857	-	-	19.152.030
Specific Plans	-			R	F	PH	CA. Govt. Code 65350-65362	-	-	20.04.030
Development Agreements	-			R	F	PH	CA. Govt. Code 65867	Yes	-	19.144.120
Development Permits										
Major F, H	-			F/R	A1/F	PM	19.12.110/300'	Yes	2 years	19.156.050
Minor G	F			A1	A2	PM		Yes	2 years	
Conditional Use Permits										
Major F, H, I	F			A1/F/R	A1/ A2/F	PH	CA. Govt. Code 65905	Yes	2 years	19.156.050
Minor G, I	F			A1/F/R	A1/ A2/F	PH		Yes	2 years	
Temporary	F			A1	A2	-	None	No	1 year	None/ 19.160.030
Density Bonus (Residential)				R	F	Based on concurrent application	19.56			
Adult-Oriented Commercial Activity (CUP)				R	F	PH	CA. Govt. Code 65905/300'	Yes	2 years	19.128.030 & 19.128.040
Architectural and Site Approval										
Major J	F			A1	A2	PM	19.12.110/	Yes	2 years	19.168.030
Minor K	F			A1	A2	PM		Yes	2 years	
Amendment										
Major F, H	-			F	A1	Varies L		Yes	2 years	19.44,

Ordinance No. _____
Page 5

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review		Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
Minor G	F			A1	A2	Varies L	Depends on permit being amended L	Yes	2 years	19.144, 19.156, 19.164
Minor Modification	F			A1	A2	-	None	No	2 years	19.164
Hillside Exception/ Height Exception/ Heart of the City Exception I	-			F	A1	PH	19.12.110/300'	Yes	2 years	19.40.080, 19.24.070, 19.136.090
Variance	F			A1	A2	PH	CA. Govt. Code 65905	Yes	2 years	19.156.060
Status of non- conforming Use	-			F	A1	PH	19.12.110/300'	Yes	-	19.140.110
Wireless Antennas I	F			F/ A1	A2	Varies I	Depends on application type	Yes	2 years	19.136.090
Signs										
Permits	F			A1	A2	-	None	No	1 year	19.104
Neon, Reader board & Freeway Oriented Signs I	F	-		F/A1	A1/A2	PM	19.12.110/300'	No	1 year	19.104
Programs	F			A1	A2	-	None	No	1 year	19.104
Exceptions I	-	-		F	A1	PM	19.12.110/ Adjacent	Yes	1 year	19.104.290
Parking Exceptions I	FM	-		F/A1	A1 /A2	Varies M	19.12.110/ Adjacent/ 300' N	Yes	1 year	19.124.050
Fence Exceptions	F	-		A1	A2 L	PM	19.12.110/ Adjacent	Yes	1 year	19.48.060
Front Yard Interpretation	F			A1	A2	PM	19.12.110/ Adjacent	Yes	1 year	19.08
R-1 Ordinance Permits										
Two-story I	F	-		F/A1	A1 L/ A2	Varies I	19.12.110/ Adjacent	Yes	1 year	19.28.140
Minor Residential	F			A1	A2	CP		No	1 year	
Exceptions I	-	-		F	A1	PM		Yes	1 year	
Miscellaneous Ministerial Permit	F			-	-	None	Adjacent	Yes	1 Year	19.28.150 and 19.40.090
Miscellaneous Ministerial Permit	Not Allowed									

Ordinance No. _____
Page 6

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review		Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
Protected Trees										
Tree Removal	F			A1	A2	CP	Adjacent unless exempt	Yes	1 year	14.18.180
Heritage Tree Designation & Removal	-			F	A1	PM	19.12.110/ 300'	Yes	-	14.18
Tree Management Plan	F			A1	A2	-	None	No	-	14.18
Retroactive Tree Removal	F			A1	A2	-	None	No	-	14.18
Reasonable Accommodation	F			A1	A2	-	None	No	1 year	19.52.050
Extensions O										
Parking, Fence & Sign Exceptions & Front Yard Interpretations	F			A1	A2	-	None	No	1 year	
Neon, Reader board & Freeway Oriented Signs	F			A1	A2	-	None	No	1 year	
Two Story Permits, Minor Residential Permits and Exceptions	F			A1	A2	-	None	No	1 year	
Tree Removals	F			A1	A2	-	-	No	1 year	
All other projects	F			A1	A2	-	19.12.110/ None	No	2 years	
Miscellaneous Ministerial Permit	Not Allowed									
Public Art Architectural and Site Approval Permits										
Public Art	-		F	-	A1	PM	None	None	None	2.80 and 19.148
Art in lieu payment	-		R	-	F	PM	None	None	None	2.80 and 19.148
KEY:										
R—Review and recommendation body						F—Final decision-making body unless appealed				
A1—Appeal Body on first appeal						A2—Appeal body on second appeal				
PH—Public Hearing						PM—Public Meeting				
CP—Comment Period										

Notes:

- A. Permits can be processed concurrently with other applications, at the discretion of the Director of Community Development.
- B. Projects with combined applications shall be processed at the highest level of approval in conformance with Section 19.04.090.
- C. Public Hearing: Projects types that need noticing pursuant to the CA Government Code; Public Meeting: Project types that need only a mailed notice and no newspaper notices; Comment Period: Project types that need only a mailed notice and do not need a public hearing or public meeting.
- D. Noticing Radius of an application in a combined application shall correspond to the maximum noticing radius required for any one of the applications.
- E. Expiration date of an application in a combined application shall correspond to the maximum expiration date allowed for any one of the development applications (not including Subdivision Map Act applications, General Plan Amendments and Zoning Map or Text Amendments.)
- F. Major General Plan Amendment, Conditional Use Permit, Development Permit application - for more than ten thousand square feet of commercial and/or industrial and/or office and/or other non-residential use, or greater than six residential units.
- G. Minor General Plan Amendment, Conditional Use Permit, Development Permit application - for ten thousand square feet or less of commercial and/or industrial and/or office and/or other non-residential use, or six or less residential units.
- H. City Council review for applications with new development greater than fifty thousand square feet of commercial, and/or greater than one hundred thousand square feet of industrial and/or office and/or other non-residential use, and/or greater than fifty residential units.

Planning Commission review for all other applications.
- I. Please see specific zoning district regulations or chapters in this title that apply to the subject property or project for approval authority.
- J. Major Architectural and Site Approval application - architectural and site approval for all projects that are not a Minor Architectural and Site Approval application.

Ordinance No. _____

Page 8

K. Minor Architectural and Site Approval application - single family home in a planned development zoning district, minor building architectural modifications, landscaping, signs and lighting for new development, redevelopment or modification in such zones where review is required and minor modifications of duplex and multi-family buildings.

L. Meeting type and noticing are dependent on the underlying permit being modified.

M. Parking Exceptions approved by the Director of Community Development need a comment period.

N. Parking Exceptions in Single-family residential (R1) zones and Duplex (R2) zones need adjacent noticing.

All other Parking Exceptions need notices within three hundred feet of the exterior boundary of the subject property.

O. Application must be filed prior to expiration date of permit. Permit is extended until decision of the Approval Body on the extension.

19.12.050 [repealed]

19.12.120 Action by Director of Community Development–Administrative.

A. For applications requiring Administrative review with no public meeting, public hearing or comment period, the Director of Community Development or his or her designee may, subject to the requirements of Section 19.12.100, issue his or her decision no later than thirty days from receipt of all information, unless referred to a different approval authority for a decision.

B. For applications requiring Administrative review with a public meeting, public hearing or comment period, the Director of Community Development or his or her designee may, subject to the requirements of Section 19.12.100:

1. Issue his or her decision at the conclusion of the public meeting, public hearing or comment period;

2. Continue the item for additional public hearings, public meetings or comment period; or

3. Defer action by taking the item under advisement and issuing the decision no later than thirty days following the public meeting, public hearing or comment period.

No additional noticing is required if a project is continued.

C. For applications where a public meeting or public hearing is required to be held before the Director of Community Development, the meeting shall be held in the same manner as a Planning Commission meeting.

19.12.130 Action by Planning Commission.

A. For applications where the Planning Commission is the Approval Body, it shall render a decision, which is supported by the evidence contained in the application or presented at the meeting, at the meeting, or at a subsequent meeting after conclusion of the public hearing or public meeting, subject to the requirements of Section 19.12.100.

B. For zoning map amendments, on the basis of evidence and testimony presented to the Planning Commission at the public hearing, the Planning Commission may determine that the public interest will be served, either by revising the area being considered for reclassification to include properties not originally part of the application, or by giving consideration to district classifications not originally requested by the application. The Planning Commission may, solely at its option, consider additional properties or district classifications, or both.

C. For applications requiring City Council approval, the reviewing body shall forward its written findings, determinations and recommendation to the City Council for final action, subject to the requirements of Section 19.12.100.

19.12.150 Notice of Decision and Reports.

A. Notice of decision:

1. The decision for applications approved with a public meeting or public hearing shall be mailed to the property owner and applicant at the address shown on the application.

2. The decision for applications approved with a comment period shall be mailed to the property owner and the applicant at the address shown on the application and any person who has commented on the proposed project within the comment period or during revocation proceedings.

3. The decision shall contain the following:

a. Applicable findings;

b. Any reasonable conditions or restrictions deemed necessary to secure the purpose of this title and to assure operation of the development and/or use in a manner compatible with existing and potential uses on adjoining properties and in the general vicinity; and

c. Reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety and welfare of the City.

4. The decision of the Director of Community Development or Planning Commission shall be final unless appealed in accord with Section 19.12.170. A decision of the City Council shall be final.

B. Reports: The Director of Community Development shall endeavor to forward reports, within five calendar days from the date of the decision, to the:

1. Planning Commission and the City Council of a decision by the Director of Community Development.

2. City Council of a decision by the Planning Commission.

19.28.040 Permits Required for Development.

Table 19.28.040 sets forth the planning permits required for development in the Single-Family Residential district.

Table 19.28.040 Permits Required		
Planning permit required prior to building permit application	Type of Project	Approval Authority
A. None	One-story single-family project that does not require exception or variance from the requirements of this chapter	Admin.
B. Minor Residential Permit, pursuant to Chapter 19.12, Administration	1. One-story encroachment into a required rear yard setback, subject to requirements of Section 19.28.070	Admin
	2. One-story extension of an existing side yard nonconforming building wall line, subject to requirements of Section	

Table 19.28.040 Permits Required		
Planning permit required prior to building permit application	Type of Project	Approval Authority
	19.28.100 in all districts except R1-a	
	3. One-story project with a gable end of a roof enclosing an attic space projecting outside the building envelope, subject to requirements of Section 19.28.070 or 19.28.080	
	4. New or expanded second story deck or balcony with views into neighboring residential side or rear yards in all districts except R1-a or on any project previously developed pursuant to Government Code Section 65852.21	
	5. Any active or passive solar structure that requires variation from the setback or height restrictions of this chapter, provided that no such structure shall infringe upon solar easements or adjoining property owners	
	6. One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded areas with actual slopes equal to or greater than 20% and with total floor area ratio of all structures on the lot greater than 35%	
C. Director's Minor Modification, pursuant to Chapter 19.12, Administration	Encroachment of porch elements into the required front yard setback in the R1-a zone, subject to the requirements of Section 19.28.100	Admin
D. Two-Story Permit, pursuant to Chapter 19.12, Administration	Two-story addition or new two-story home in all districts that do not require Residential Design Review per Section 19.28.040(I) except in an R1-a zone	Admin
E. Residential Design Review, pursuant to Chapter 19.12, Administration	Two-story addition or new two-story home in all districts except R1-a where: <ol style="list-style-type: none"> 1. Second floor to first floor area ratio is greater than 66%, except any second to first floor ratio for development on building pads/graded areas with actual slopes equal to or greater than 20%; and/or 	Admin. with design review

Table 19.28.040 Permits Required		
Planning permit required prior to building permit application	Type of Project	Approval Authority
	2. Where second story side yard setback(s) are less than 15 feet to any interior side property line	
	Two-story addition, new two-story home, and/or second story deck in the R1-a zone	PC
F. Exception, pursuant to Chapter 19.12, Administration & Section 19.28.130 , Exceptions	One or two-story project requesting an exception from Sections 19.28.070 [Development Regulations (Building)], 19.28.080 [Eichler R1-e Building Design Requirements], and/or 19.28.110 [Landscape Requirements].	PC
G. Hillside Exception, pursuant to Chapter 19.12, Administration	Development (area greater than 500 square feet) on slopes greater than 30%	PC
H. Architectural and Site Approval, pursuant to Chapter 19.12, Administration	One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded areas with actual slopes equal to or greater than 20% and where the cut plus fill of the site exceeds 2,500 cubic yards	
I. Conditional Use Permit, pursuant to Chapter 19.12, Administration	Two-story addition or new two-story home in an R1 zoning district with an "i" suffix	
J. Single-Story Overlay District Application, pursuant to Chapter 19.12 , Administration	Establishment or removal of a Single-Story Overlay District in a Single Family Residential District (Addition or removal of the "I" suffix in an R1 zoning district)	CC
K. Miscellaneous Ministerial Permit	1. New one or two-story duplex project in an R1 zoning district pursuant to Government Code Section 65852.21 2. New one or two-story single-family home, secondary principal dwelling unit, or two-story addition in an R1 zoning district pursuant to Government Code Section 65852.21	Admin

19.28.130 Exceptions.

Where results inconsistent with the purpose and intent of this chapter result from the strict application of the provisions hereof, exceptions to Sections 19.28.070, 19.28.080, and 19.28.110 may be granted by the Planning Commission. The specific procedural requirements shall follow Chapter 19.12.

19.104.140 Permanent Wall Signs.

Table 19.104.140 sets forth the rules, regulations and processing applicable to permanent wall signs.

Table 19.104.140 Wall Signs						
Use/ zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed area and length	Max. Area			
Commercial & Industrial	1. One sign per business with exterior frontage 2. One additional for: – Businesses with no ground sign and adjacent to more than one street or shopping center driveway. – Sign directed to interior of project and not visible from any public right- of- way. – Single tenant building pad with more than 5,000 s.f.	1. 1 s.f. per linear ft of store frontage on which sign is located. 2. 70% of store frontage maximum 3. Length = total combined length of each row of sign copy 4. Minimum area = 20 s.f.	200 s.f.	1. No more than one wall sign per frontage 2. Shall not project above the roof or top of parapet, unless it is an integral part of the face of an architectural projection. 3. No projecting wall sign shall extend into a public right-of-way more than twelve inches. Any projecting sign shall have a vertical clearance of at least fifteen feet above a private or public vehicular roadway, alley, driveway or parking area, and at least eight feet above a sidewalk, pedestrian mall or landscaped area.	CDD	Meets Design Criteria in Section 19.104.220

Table 19.104.140 Wall Signs						
Use/ zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed area and length	Max. Area			
Office & Institutional	1. One sign per business with exterior frontage 2. One additional for: – Businesses with no ground sign and adjacent to more than one street or major shopping center driveway. – Sign directed to interior of project and not visible from any public right- of- way.	1. 1 s.f. per linear ft. of business frontage on which sign is located. 2. 70% of business frontage maximum 3. Length = total combined length of each row of copy	40 s.f.	Same as above	CDD	Same as above
CDD - Community Development Director; PC - Planning Commission; s.f. = square feet; ft = feet						

19.104.150 Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias.

Table 19.104.150 sets forth the rules, regulations and processing applicable to Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias.

Table 19.104.150: Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias						
	Use/Zoning	Number	Maximum Area	Location	Review Authority	Review Criteria
A. Permanent Window Signs	All	One or more	<ul style="list-style-type: none"> ▪ Considered part of wall sign area ▪ 25% of window surface of each storefront bay. ▪ Neon window sign = 4 s.f. 	Perimeter neon window signage not allowed	CDD	Meets Design Criteria in Sec. 19.104.220
			<ul style="list-style-type: none"> ▪ One "open" sign less than two s.f. exempt 			

Table 19.104.150: Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias						
	Use/Zoning	Number	Maximum Area	Location	Review Authority	Review Criteria
B. Blade Signs	All except residential districts	One on each frontage up to a maximum of two	6.5 s.f.	Between 8 ft. and 12 ft. above pedestrian walkways.	<ul style="list-style-type: none"> ▪ Illuminated – CDD ▪ Not illuminated - Exempt 	Shall be pedestrian oriented only and shall meet Design Review Criteria in Sec. 19.104.220
C. Logos, Symbols or Insignia	All except residential districts	Same as Sec. 14.24.050	9 s.f.	Same as Sec. 19.104.140	<ul style="list-style-type: none"> ▪ Illuminated – CDD ▪ Not illuminated - exempt 	Shall meet Design Review Criteria in Sec. 19.104.220 and restrictions in Sec. 19.104.190
CDD - Community Development Director; PC - Planning Commission; s.f. = square feet; ft = feet						

19.104.160 Ground Signs.

Table 19.104.160 sets forth the rules, regulations and processing applicable to Ground Signs.

Table 19.104.160: Ground Signs						
Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed Area & Length	Maximum Height			
	<ul style="list-style-type: none"> ▪ One sign if minimum 100 ft. street frontage ▪ Two signs if 500 ft. street frontage 	<ul style="list-style-type: none"> ▪ One s.f. per four linear ft. of street frontage. ▪ Maximum area = 100 s.f. ▪ V-shaped and signs with more than two faces: Area of all faces of sign = Total Sign Area. 	<ul style="list-style-type: none"> ▪ Eight ft. ▪ Street address numbers or range of numbers for businesses shall be clearly identified in numbers not less than 5 	<ul style="list-style-type: none"> ▪ Corner property: Sign has to be located on street frontage with the site's address. ▪ Every ground sign shall be located wholly on the property for the use which the sign is advertising is located on. ▪ No portion of any ground sign shall be located 		<ul style="list-style-type: none"> ▪ Shopping Center or multitenant commercial development with a center name shall emphasize that name ▪ Shall meet Design Criteria in Section 19.104.220

Table 19.104.160: Ground Signs

Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed Area & Length	Maximum Height			
All non-residential areas		<ul style="list-style-type: none"> Double faced signs: Area of larger face of sign = Total Sign Area Maximum number of tenants on sign = six 	inches in height	<p>closer than one foot from the public right-of-way.</p> <ul style="list-style-type: none"> No portion of any sign over three feet in height shall be located within a corner triangle or sidewalk site triangle. Signs on interior lots <200 ft. of frontage shall be located within the center 50% of the lot frontage. Interior lots > 200 ft. of frontage shall locate ground signs no closer than 50 ft from a side property line (See Appendix A) No ground sign shall be located closer than one hundred feet from any other ground sign on the same property 	CDD	
CDD - Community Development Director; PC - Planning Commission; s.f. = square feet; ft = feet						

Ordinance No. _____

Page 17

19.104.170 Gasoline Station Signs.

Table 19.104.170 sets forth the rules, regulations and processing applicable to Gasoline Station Signs.

Table 19.104.170: Gasoline Station Signs					
Type of Sign	Number	Size, Maximum Area and Allowable Area	Location	Review Authority	Review Criteria
A. Wall Sign	Same as Sec. 19.104.140	Same as Sec. 19.104.140	Same as Sec. 19.104.140	CDD	<ul style="list-style-type: none"> Meets Design Criteria in Sec. 19.104.220
B. Ground Sign	1 ground sign regardless of frontage	Same as Sec. 19.104.160	Same as Sec. 19.104.160	CDD	<ul style="list-style-type: none"> Meets Design Criteria in Sec. 19.104.220
C. Fuel Price Ground Sign	Fuel price sign to be incorporated into the design of the ground sign	Computes toward Allowable Ground Sign Area	See above	CDD	<ul style="list-style-type: none"> Is incorporated into the design of the ground sign Letter size of price display on fuel price sign shall not exceed minimum specifications contained in Sec. 13532 of the California Business and Professions Code Meets Design Criteria in Sec. 19.104.220
D. Fuel Price Wall Sign	If service station is not identified on ground sign, in addition to any wall sign allowed to the service station per Sec. 19.104.140, a second fuel price sign is allowed	Number of product prices on fuel price sign not to exceed eight per face.	Attached to the wall of the building facing the public street	CDD	<ul style="list-style-type: none"> Same as above.
CDD - Community Development Director; PC - Planning Commission					

Ordinance No. _____

Page 18

19.104.180 Electronic Readerboard Signs, Changeable Copy Signs, Exposed & Visible Neon Signs, Decorative Statuary and Beverage Container Recycling Signs.

Table 19.104.180 sets forth the rules, regulations and processing applicable to Electronic Readerboard Signs, Changeable Copy Signs, Exposed & Visible Neon Signs, Decorative Statuary and Beverage Container Recycling Signs.

Table 19.104.180 Electronic Readerboard Signs, Changeable Copy Signs, Exposed or Visible Neon Signs, Decorative Statuary & Beverage Container Recycling Signs						
	Use/ Zoning	Number	Size and Height	Location	Review Authority	Review Criteria
A. Electronic Readerboard Signs	Commercial	One sign for centers with 20 tenants or more and 50,000 s.f. of gross floor area	Same as Sec. 19.104.160	<ul style="list-style-type: none"> No closer than 500 ft from any residential district on the same street as the sign Same as Sec. 19.104.160 	PC	Background of electronic readerboard will be the same color as the primary background. If not practical, then a color that is complementary to the background color shall be used
B. Change-able Copy Signs	Commercial	N/A	Included in total allowable wall sign area	N/A	CDD	Deemed necessary to the type of merchandising of that business. Shall consist of permanent sign and symbols or letters made of high quality and durable materials
C. Exposed or visible neon signs	All	N/A	N/A	N/A	CDD	Shall meet Illumination Restrictions in Section 19.104.230
D. Decorative Statuary	All except residential districts	N/A	N/A	N/A	CDD	In conjunction with the overall architectural design of the building, the landscaping scheme and the sign program for the business.
					If not publicly visible, then exempt	

E. Beverage Container Recycling	Where allowed	<ul style="list-style-type: none"> ▪ Wall signs-as allowed by Sec. 19.104.140 ▪ Ground signs- as allowed by Sec. 19.104.160 ▪ One building mounted sign 	10 s.f. maximum	N/A	N/A	<ul style="list-style-type: none"> ▪ Dealer subject to provisions of California Beverage Container Recycling and Litter Reduction Act of 1986. ▪ Sign should contain information concerning a certified recycling center as described in Sections 14570 and 14571 of Public Resources Code. ▪ Certified Redemption Center sign - subject to limitations and review procedure of zoning district where it is located.
CDD - Community Development Director; PC - Planning Commission; s.f. = square feet; ft = feet						

19.104.190 Signs in and Near Residential Districts.

Table 19.104.190 sets forth the rules, regulations and processing applicable to Signs in and near Residential Districts.

Table 19.104.190 Signs in and near Residential Districts							
	Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
			Area	Height			
A. Signs near residential districts	All except residential	<ul style="list-style-type: none"> ▪ Wall Sign- Same as Sec. 19.104.140 ▪ Ground Sign - Same as Sec. 19.104.160 	<ul style="list-style-type: none"> ▪ Wall Sign - Same as Sec. 19.104.140 ▪ Ground Sign - Same as Sec. 19.104.160 	<ul style="list-style-type: none"> ▪ Wall Sign - Same as Sec. 19.104.140 ▪ Ground Sign - Same as Section 19.104.160 	No internally illuminated sign permitted within 100 ft from any residential districts except if the sign face is mounted so it is not visible to any residence within 100 ft of the sign	CDD	Shall meet design criteria specified in Sec. 19.104.220

Table 19.104.190 Signs in and near Residential Districts							
	Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
			Area	Height			
B. Name plates, streets or Unit numbers	Residential	One or more	2 s.f. or less	N/A	N/A	CDD	
C. Development Identification Signs	Residential	<ul style="list-style-type: none"> ▪ One sign for interior lot ▪ Two signs for corner development 	32 s.f.	5 ft	<ul style="list-style-type: none"> ▪ If one sign allowed, at major entry ▪ If two allowed, one on each street front 	CDD	<ul style="list-style-type: none"> ▪ Shall contain only name and address of development. ▪ Shall meet design criteria specified in Sec. 19.104.220
CDD - Community Development Director; PC - Planning Commission; s.f. = square feet; ft = feet							

19.124.050 Exceptions–Approval Authority.

A. The Director of Community Development may approve the following exceptions upon making the written findings in Section 19.124.060:

1. Exceptions to this chapter for properties located in:
 - a. The Single-Family (R-1) Residential Zoning District;
 - b. The Duplex (R2) Zoning District;
2. Single Family homes or duplexes in a Planned Development District;
3. Tandem parking arrangements in residential zoning districts;
4. Parking exceptions for Minor applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060.

B. The Planning Commission may approve parking exceptions for Major applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060.



CITY OF CUPERTINO

Agenda Item

23-12033

Agenda Date: 2/21/2023
Agenda #: 12.

Subject: Consider the Monthly Treasurer's Report for December 2022 (continued from February 7)

Receive the Monthly Treasurer's Report for December 2022



ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3220 • FAX: (408) 777-3109
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: February 21, 2023

Subject

Consider the Monthly Treasurer's Report for December 2022

Recommended Action

Receive the Monthly Treasurer's Report for December 2022

Discussion

Background

California Government Code Section 41004 states:

Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body.

The City's Municipal Code Section 2.24.030 Monthly Reports states:

The Treasurer shall make monthly reports which conform to the requirements of Government Code Section 41004. Said reports shall be delivered to the City Council, the City Manager and made available for review by such other persons who may so request.

Lastly, the City's Municipal Code Section 2.88.100 Duties–Powers–Responsibilities lists one of the powers and functions of the Audit Committee is "to review the monthly Treasurer's report."

Per the referenced code provisions, a Treasurer's Report (report and accounting of all receipts, disbursements, and fund balances) shall be submitted to the Audit Committee and City Council every month.

Cash vs. Accrual Basis Accounting

Cash and accrual basis accounting differ in the timing when revenues and expenses are recognized and recorded. Cash basis accounting recognizes revenues when payment is received and expenses when payment is paid. Accrual basis accounting recognizes revenues when they are earned (but not necessarily received) and expenses when they are incurred (but not necessarily paid).

Receipts, disbursements, and cash balance are measured on a cash basis. The cash balance shows the total cash and investments in the City's accounts. The ending balance is the beginning balance plus receipts minus disbursements. Journal adjustments generally include transactions recorded in other systems and imported into New World, Council-approved budget adjustments, quarterly Cost Allocation Plan (CAP) charges, and quarterly interest earnings.

Revenues, expenditures, and fund balance are measured on an accrual basis. As a result, the amount in fund balance does not mean the City has that much cash on hand. Instead, fund balance is the difference between assets and liabilities. The ending balance is the beginning balance plus revenues minus expenditures.

Treasurer's Report

The report provides an update on the City's cash and fund balances for December 2022. The report is as of January 18, 2023.

Receipts, Disbursements, and Cash Balance

The City's General Fund ending cash and investment balance was \$115.0 million, an increase of \$5.4 million from the prior month. Receipts were \$12.2 million, disbursements were \$(6.9) million, and journal adjustments were \$41,618 for the month.

The City's total ending cash and investment balance was \$220.1 million, an increase of \$2.0 million from the prior month. Receipts were \$12.9 million, disbursements were \$(10.7) million, and journal adjustments were \$(0.1) million for the month.

In December 2022, the journal adjustments included the following:

- Parks and Recreation transactions imported from Active Network into New World
- Workers' Compensation transactions
- BNY Mellon debt service payment

Fund Balance/Net Position

The City's General Fund ending fund balance was \$100.1 million, increasing by \$22,284 from the prior month due to revenues of \$5.7 million and expenditures of \$5.7 million.

The City's total ending fund balance was \$202.4 million, decreasing by \$2.2 million from the prior month due to revenues of \$6.7 million and expenditures of \$8.9 million.

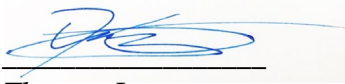
Sustainability Impact

No sustainability impact.

Fiscal Impact

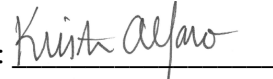
No fiscal impact.

Prepared by:



Thomas Leung
Budget Manager

Reviewed by:



Kristina Alfaro
Director of Administrative Services

Approved for Submission by:



Pamela Wu
City Manager

Attachments:

A – Report of City-wide Receipts, Disbursements, and Cash Balances December 2022

B – Report of City-wide Fund Balances/Net Position December 2022

December 2022 Report of City-wide Receipts, Disbursements, and Cash Balances
Cash and Investments

CC 02-21-2023
278 of 282

Fund Type	Fund Number/Name	Beginning Balance	Receipts	Disbursements	Journal Adjustments	Ending Balance
		as of November 30, 2022				as of December 31, 2022
General Fund	100 General Fund	109,610,504	12,237,054	(6,863,434)	41,618	115,025,742
General Fund	130 Investment Fund	189,996	-	-	-	189,996
Special Revenue Funds	210 Storm Drain Improvement	2,205,701	-	(56,875)	-	2,148,825
Special Revenue Funds	215 Storm Drain AB1600	1,814,201	3,164	-	-	1,817,365
Special Revenue Funds	230 Env Mgmt Cln Crk Strm Drain	641,164	25,795	(123,700)	-	543,259
Special Revenue Funds	260 CDBG	651,564	28,239	(29,294)	-	650,509
Special Revenue Funds	261 HCD Loan Rehab	221,894	-	-	-	221,894
Special Revenue Funds	265 BMR Housing	5,687,886	4,650	(127,647)	-	5,564,889
Special Revenue Funds	270 Transportation Fund	12,433,320	378,304	(1,506,167)	-	11,305,456
Special Revenue Funds	271 Traffic Impact	759,489	-	-	-	759,489
Special Revenue Funds	280 Park Dedication	20,017,767	15,000	(302,492)	-	19,730,274
Special Revenue Funds	281 Tree Fund	71,648	481	-	-	72,129
Debt Service Funds	365 Public Facilities Corp	2,682,650	-	-	(360,400)	2,322,250
Capital Project Funds	420 Capital Improvement Fund	27,609,475	-	(248,615)	-	27,360,860
Capital Project Funds	427 Stevens Creek Corridor Park	161,581	-	-	-	161,581
Capital Project Funds	429 Capital Reserve*	11,620,392	-	-	-	11,620,392
Enterprise Funds	520 Resource Recovery	5,702,469	119,834	(130,969)	-	5,691,335
Enterprise Funds	560 Blackberry Farm	1,154,549	1,195	(56,426)	24,565	1,123,883
Enterprise Funds	570 Sports Center	1,891,166	-	(351,022)	131,899	1,672,043
Enterprise Funds	580 Recreation Program	3,472,502	48,311	(230,321)	41,823	3,332,314
Internal Service Funds	610 Innovation & Technology	3,943,097	-	(358,757)	-	3,584,340
Internal Service Funds	620 Workers' Compensation	3,666,283	-	(5,408)	(15,880)	3,644,995
Internal Service Funds	630 Vehicle/Equip Replacement	1,034,267	-	(192,376)	-	841,891
Internal Service Funds	641 Compensated Absence/LTD	1,549,379	-	9,606	-	1,558,985
Internal Service Funds	642 Retiree Medical	(693,469)	-	(113,551)	-	(807,020)
Total		\$ 218,099,474	\$ 12,862,026	\$ (10,687,448)	\$ (136,374)	\$ 220,137,678

* For reporting purposes, this fund rolls up/combines with Fund 420

Printed January 18, 2023

For more information on funds, please see cupertino.org/fund-structure

December 2022 Report of City-wide Fund Balances/Net Position

CC 02-21-2023

279 of 282

Fund Type	Fund Number/Name	Beginning Fund Balance as of November 30, 2022	Revenues	Expenditures	Ending Fund Balance as of December 31, 2022
General Fund	100 General Fund	100,060,445	5,718,123	5,695,839	100,082,729
General Fund	130 Investment Fund	229,425	-	-	229,425
Special Revenue Funds	210 Storm Drain Improvement	2,150,265	-	1,440	2,148,825
Special Revenue Funds	215 Storm Drain AB1600	1,814,201	3,164	-	1,817,365
Special Revenue Funds	230 Env Mgmt Cln Crk Strm Drain	675,504	53,037	113,355	615,186
Special Revenue Funds	260 CDBG	1,165,131	27,745	15,895	1,176,980
Special Revenue Funds	261 HCD Loan Rehab	221,894	-	-	221,894
Special Revenue Funds	265 BMR Housing	5,603,544	3,000	41,655	5,564,889
Special Revenue Funds	270 Transportation Fund	12,496,273	377,624	1,227,856	11,646,041
Special Revenue Funds	271 Traffic Impact	759,489	-	-	759,489
Special Revenue Funds	280 Park Dedication	20,017,429	15,000	302,155	19,730,274
Special Revenue Funds	281 Tree Fund	71,648	481	-	72,129
Debt Service Funds	365 Public Facilities Corp	2,322,250	-	-	2,322,250
Capital Project Funds	420 Capital Improvement Fund	24,446,682	-	95,095	24,351,587
Capital Project Funds	427 Stevens Creek Corridor Park	161,581	-	-	161,581
Capital Project Funds	429 Capital Reserve*	11,620,392	-	-	11,620,392
Enterprise Funds	520 Resource Recovery	5,063,595	119,834	116,071	5,067,358
Enterprise Funds	560 Blackberry Farm	878,827	25,743	54,796	849,774
Enterprise Funds	570 Sports Center	2,495,425	181,059	394,468	2,282,016
Enterprise Funds	580 Recreation Program	3,268,346	123,912	222,545	3,169,713
Internal Service Funds	610 Innovation & Technology	3,535,558	-	285,253	3,250,306
Internal Service Funds	620 Workers' Compensation	2,045,612	-	21,287	2,024,325
Internal Service Funds	630 Vehicle/Equip Replacement	2,639,025	-	167,625	2,471,400
Internal Service Funds	641 Compensated Absence/LTD	1,549,379	17,803	8,197	1,558,985
Internal Service Funds	642 Retiree Medical	(693,469)	-	113,551	(807,020)
Total		\$ 204,598,451	\$ 6,666,524	\$ 8,877,084	\$ 202,387,891

* For reporting purposes, this fund rolls up/combines with Fund 420

Printed January 18, 2023

For more information on funds, please see cupertino.org/fund-structure



CITY OF CUPERTINO

Agenda Item

23-12035

Agenda Date: 2/21/2023
Agenda #: 13.

Subject: Informational memorandum regarding retail square footage analysis of Main Street
(continued from February 7)

Receive the informational memorandum on the retail square footage analysis and the provisions for restaurant use at the Main Street Cupertino project

CITY OF CUPERTINO

10300 Torre Avenue, Cupertino, California 95014 (408) 777-3308

To: City of Cupertino City Council

CC: Pamela Wu, City Manager
Luke Connolly, Acting Director of Community Development

From: Gian Paolo Martire, Senior Planner

Date: February 7, 2023

Subject: Informational update regarding retail and restaurant uses for the Main Street Mixed-Use Development

Background

The Main Street mixed-use project (see Figure 1) was approved by the City Council on September 4, 2012. The project includes 130,500 square feet of retail, a 180-room hotel, a multi-level parking garage, 260,000 square feet of office space, and a 120-unit live/work rental loft development.



Discussion

Like other, similar mixed-use developments, Main Street was envisioned as a place where visitors could have a range of experiences, such as dining and shopping, without the need to drive to another venue. When the Main Street project was approved, the City Council Resolution 12-098 (M-2012-03) included a condition that stated the following regarding restaurant uses onsite:

9 MAXIMUM PERCENTAGE OF RESTAURANTS

The maximum square footage of food service uses permitted within the retail space of the mixed-use development shall not be more than 40% of the total retail square footage of 130,500 square feet (or a maximum of 52,600 square feet of restaurant uses) based upon the approved development plan dated August 15, 2012 in accordance with the Main Street Cupertino-Revised Proposed Project Analysis report as Appendix A in the Second

Addendum to the Final Certified 2009 EIR prepared by Fehr and Peers. Any future refinements to the restaurant percentage may be approved by the Director of Community Development if a subsequent parking and traffic analysis indicates that there is adequate parking for the various mixtures of uses and there are no additional and/or new significant traffic impacts compared to thresholds studied in the original 2009 Environmental Impact Report and 2012 Addendum.

In July 2015, nearly three years after Main Street was approved, Fehr& Peers, a transportation consulting firm, completed their *Main Street Parking Analysis* and submitted their findings to the Director of Community Development. The conclusion of their analysis was that the 40% restaurant cap is maintained by distinguishing food service uses between “restaurants” and “specialty foods.” Specialty foods is defined in the Municipal Code as, “uses such as bakeries, donut shops, ice cream stores, produce markets and meat markets, or similar establishments where food is prepared and/or sold primarily for consumption off the premises.” These specialty food uses are distinguished from restaurants, where food is generally served and eaten on the premises, and are treated as general retail not subject to the 40% restaurant cap cited in Condition #9 of the Resolution.

Over the last year there have been inquiries regarding the percentage of restaurant uses out of the total 130,500 square feet of retail space at Main Street. Presently, based on City and property owner information, the total restaurant square footage is at or slightly over 40%, being approximately 41%. If specialty food uses, which would include current tenants such as Philz Coffee, Meet Fresh, and others, were considered the same as restaurants that would raise the percentage of “food service” (i.e., restaurant + specialty foods) uses to slightly over 50% of the 130,500 Main Street retail area.

Conclusion

While additional analysis could be done to refine and reconcile the differences between City and property owner data, such as minor differences that exist in the floor areas of individual tenant spaces, it can be concluded that the overall percentage of restaurant uses would not change much, if at all, for the Main Street center and that the center is presently in substantial conformance with Condition #9 of the Resolution. The 40% restaurant cap at Main Street was included in the Resolution primarily to address potential parking concerns, since restaurants typically have a higher parking demand than traditional retail uses, but the cap can also be used as a mechanism to try to retain more traditional retail uses at the location. Condition #9 of the Resolution includes a provision allowing for the Director of Community to use discretion regarding the 40% cap “if a subsequent parking and traffic analysis indicates that there is adequate parking for the various mixtures of uses and there are no additional and/or new significant traffic impacts compared to the thresholds studied in the original 2009 Environmental Impact Report and 2012 Addendum.” This provision provides flexibility to adjust the cap while ensuring impacts to the community will be avoided.