



FINANCE DEPARTMENT

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CITY COUNCIL STAFF REPORT

Date: July 21, 2026

Subject

Approval of a Resolution submitting an Ordinance to the voters to amend the General Plan and add Title 21 to the Municipal Code to Require any Rezoning of Parks, Parklands, or Open Space to be Approved by Two-Thirds of Cupertino Voters, placing this Measure on the ballot for the November 3, 2026 General Municipal Election and consolidating it with the statewide election.

Recommended Action

Adopt Resolution No. 26-__ submitting an Ordinance (ballot measure) to the voters to amend the General Plan and add Title 21 to the Municipal Code to require rezoning of parks, parklands, or open space to be approved by two-thirds of Cupertino voters, placing the measure on the November 3, 2026 General Municipal Election ballot, and consolidating it with the statewide election.

Background

The City desires to retain areas zoned as park, parkland or open space. To further restrict these zoned areas from being developed into residential, commercial, or industrial areas, on March 17, 2026, the City Council directed staff to contract for ballot measure support services that evaluated amending the General Plan to require two-thirds voter approval before this could occur.

On April 7, Council approved funding for TeamCivX and Godbe Research to provide ballot measure support that included survey development, feasibility analysis, and communication related to the measure while also allocating funding for the Santa Clara County Registrar of Voters ("Registrar of Voters") estimated costs to place this measure in the November 3, 2026 General Municipal Election.

On July 7, Council received a report identifying results of a public opinion survey conducted June 3 – June 17 of likely Cupertino voters related to this ballot measure. Council directed staff to develop a ballot measure that would amend the General Plan to require rezoning of parks, parklands, or open space to be approved by two-thirds of Cupertino voters. Council also identified Councilmembers that would draft the primary and rebuttal arguments for this measure.

Since July 7, staff worked with TeamCivX to develop and distribute communication to Cupertino residents to inform them of the impacts of this ballot measure. Communication outreach included information on the City website at www.cupertino.gov/measures, posting on the City's social media channels, a message in the City Manager newsletter, and information for Councilmembers to address potential resident questions. All communication was reviewed by the City Attorney's Office for compliance with State Law AB 1234 and provides contact information if residents desire additional information.

Reasons for Recommendation and Available Options

Based on the results of a public opinion survey of likely Cupertino voters conducted in June, approximately 70% favored a General Plan amendment to require rezoning of parks, parklands, or open space be approved by two-thirds of Cupertino voters. A few reasons indicated as most favorable in the survey included maintaining parks and open space, and maintaining safe bike paths and safe routes to school. At the July 7 Council meeting, Council approved proceeding with a ballot measure for this General Plan amendment. The proposed Ordinance is included as Exhibit A to the attached Draft Resolution (Attachment A). The current map of park and open spaces identified in Cupertino are included in the Ordinance as Exhibit C, while a list of these sites included in the Ordinance as Exhibit D.

The proposed ballot language in the draft resolution has been reviewed by the City Attorney's Office and meets the applicable state requirements for a ballot measure. The impartial analysis will be developed by Aleshire & Wynder in accordance with state law. The resolution includes direction for the Registrar of Voters to take all actions necessary to place the measure on the November 3, 2026 ballot. The Registrar of Voters requires an approved City Council resolution by August 7 to qualify the measure for the election. The primary and rebuttal arguments are being developed by assigned Councilmembers through an ad hoc committee. Primary arguments must be filed with the City Clerk's Office by August 11 and rebuttal arguments must be submitted by August 18. The impartial analysis will be submitted to the City Clerk by August 11.

If approved, staff will coordinate with the City Clerk, City Attorney's Office and TeamCivX to post the appropriate legal notices, deliver all required ballot information to the Registrar of Voters and pay the required costs associated with placing the measure on the November 3, 2026 General Municipal Election ballot. Additionally, staff will coordinate with TeamCivX to develop and distribute updated communication to residents regarding the status of the ballot measure.

Sustainability Impact

No sustainability impact.

Fiscal Impact

The Registrar of Voters costs for a single ballot measure is approximately \$93,000. On June 2, 2026, the City Council adopted Resolution No. 26-066 calling the November 3, 2026 General Municipal Election and approving the associated election costs for three City Council seats. Approval of this ballot measure would result in additional election costs of approximately \$93,000. The actual cost will be finalized following submission of the ballot materials to the Registrar of Voters. Any remaining appropriated funds will be returned to the General Fund. This funding was previously approved by City Council on April 7.

The TeamCivX contract supports developing and distributing internal and external communications, assisting with final ballot measure development, reviewing ballot information, and ensuring the measure qualifies with the Registrar of Voters and is at a not-to-exceed amount of \$14,625 for this ballot measure. Ongoing monthly consulting is at a fee of \$7,500. Production and distribution of mailed informational brochures is at a cost of \$16,500 per mailing, with two mailings proposed. Total not-to-exceed costs for TeamCivX to continue with ballot measure support is approximately \$62,625. Any appropriated funds not utilized for this support will be returned to the General Fund. This funding was previously approved by City Council on April 7.

City Work Program (CWP) Item/Description

Yes FY 25-26, Protections for Parkland, Consider establishing protections for parkland, similar to those adopted by the cities of Sunnyvale and Milpitas.

Council Goal:

Environmental Sustainability

California Environmental Quality Act

No California Environmental Quality Act impact

Prepared by: Greg Card, Purchasing Manager

Reviewed by: Jonathan Orozco, Director of Finance

Floy Andrews, Interim City Attorney

Approved for Submission by: Tina Kapoor, City Manager

Attachments:

A – Draft Resolution (and Draft Ordinance – Exhibit A)