



CITY COUNCILMEMBER REPORT*

Meeting: Tuesday, July 2nd, 2024

+for the "Councilmember Reports" agenda item under the "COUNCIL REPORTS" section

Reporting Councilmember: Councilmember Liang Chao

Report Dates: 4/30/24 to 6/25/24

Section 1: Activities by Date (Date, Title, and Description):

NOTE:

- This list does not include internal meetings with staff only, such as prep sessions or meetings with the City Manager.
- This list includes activities to "represent the community I am elected to serve", "to respond to community needs and complaints," and "to communicate policies and programs to residents," among other [responsibilities](#) of a City Councilmember.
- Due to my work schedule, I have cut down on the event attendance for ceremonial purposes, especially those I have attended almost every year in the past. Instead, I focus more of my time on constituent services.

2024-05-02 Constituents propose to designate the Mary Avenue Bike/Ped Bridge Area as a Park so Muni Code for parks apply to the area.

- A group of residents, representing Health and Safety Advocates for the HHS Neighborhood (HSAHN), [wrote to the Council with a detailed account](#) of a public safety concern near Homestead High and Mary Ave. Bike/Ped Bridge.
- They hope the rules for parks in [Muni Code 13.04.130](#) applies to the area around Mary Ave. Bike/Ped Bridge.

13.04.130 Behavior of Persons in Parks.

No person in a park shall do any of the following:

- A. Bring to a park any alcoholic beverages, and no person may drink alcoholic beverages at any time in a park, except picnickers, who may bring to a park, and drink, beer or wine with their picnic meal, so long as they conduct themselves in an orderly manner;
- B. Enter or remain in a park while under the influence of intoxicating liquor or any drug;
- C. Have brought, or have in his possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or any highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints;

- I thought the request merits serious consideration and [asked some followup questions](#) to the staff. If applicable, this could strengthen public safety for other bike paths, such as Regnart Creek Trail and Linda Visa Trail.

2024-06-18 Follow up to a public concerns on why the city has \$50M sitting in a cash account not earning any interest

- The [Feb. 27 response from the City Manager](#) **confirmed that the City does have around \$50M in checking account for operational expenses for most of 2023.**
- The Treasurer's Quarterly Investment Reports have the balance in checking account, LAIF (interest-earning cash-equivalent account for government agency) or other investment.
- I did some research and [here are my findings](#):
 - I looked at the Q2 reports, ending December 31 of each year and found that Cupertino typically keeps around 15-20% of the total portfolio in the checking account, since 2016. Before that, we kept around 2% in checking.
 - I sampled a few cities around us for their FY 2023-24 Q2 reports, **I found that other cities keep about \$2-7M (0.25% to 2% of the entire portfolio) in the checking account.**
- **Upcoming:** At the June 18 Council meeting, the city staff confirmed that they are reviewing our Investment Policy with Chandler Asset Management and they will bring an update to the Council later this year.

2024-06-19 Follow-up to public comment on remote attendance of commissioners from the 6/18 Council meeting.

- The [March 2023 memo](#) from the City outlines the legal requirement under the Brown Act for teleconferencing.
- There have been three Commissioners who attend meetings remotely and they have followed the legal requirements as stated.

2024-06-19 Follow-up to public comment on video-on/off during teleconferencing from the 6/18 Council meeting.

- **The City Staff confirmed that the video camera of a remote participant has to be turned on**

when a member of the Brown Act body participates due to emergency. See the [March 2023 memo](#) for more details.

2024-06-20 Follow-up to a public inquiry whether it is reasonable to sell the Bryne Ave. property **with only one offer after less than one week.**

- [Comparative analysis](#) provided from staff after the Council meeting.

2024-06-21 Follow-up to a constituent who had wished that Cupertino could work with Bay Area Housing Corporation (BAHC) to develop much-needed memory care units for developmentally disabled individuals who tend to develop Alseimers at a much younger age.

- She pointed out that they were able to get about \$3.5M funding with San Andreas Regional Center for the construction of the 4 memory care units at the Bryne Ave Property with a one-dollar 99-year lease, so the City still retains the ownership of the property. But the funding might not be available after this year.
- She feels the city sends out an RFP and nonprofits like Bay Area Housing Corporation (BAHC) spent quite a lot of time to put together a proposal. **But the city did not give the proposal a fair chance for consideration.**
- **Unfortunately, to date, the Council has not received the said proposal** from BAHC. We have only received staff recommendations based on their oral description of these proposals for the Bryne Ave. property.

2022-06-21 Follow up to a constituent's concern from 2024-04-06 questioning why Annual Comprehensive Financial Report (ACFR) has been filed many months late.

- I have verified with staff that [Gov. Code 40804 requires "the annual report", which is ACFR, to be filed within seven months](#) of the close of the fiscal year, which is June 30. Thus, ACFR should have been finished before Jan. 31 at the latest.
- [Cupertino has been filing ACFR around March since 2016.](#) For the fiscal year ending June 30, 2023, all cities around us, except Los Altos, filed their ACFRs by December 2023.
- **Update:** The ACFR for FY 2022-23 (year ending June 30, 2023) is on the Audit Committee agenda on June 26 and will be on the Council agenda early July. The new auditor is getting up to speed. They will likely be able to finish the ACFR for FY 2024-25 within 7 months.

Section 2: Committee Assignment

No meeting during the period

Section 3: Other Information of Interest to My Constituents:

1. **Recordings of Commission Meetings:** Starting in June, commission meetings will be recorded for viewing later, although no teleconferencing to allow remote participation.
 - Find the recordings [here](#) under each commission.
 -

2. Housing Element Update:

- **Highlights:** 4,588 units are required for the HE, but the current HE has planned 6,226 units, **about 36% more than required.**
 - By not counting 1,500 units in already approved projects and underestimating the realistic capacity for mixed use projects, **Cupertino will upzone more properties than required to meet the RHNA requirements.**
 - The density (units/acre) of many sites will increase from 20 units/acre to 50-65 units/acre and some will increase to 65-80 units/acre.
 - R1 corner lots will be allowed to develop with R2 standards to allow duplex, triplex or quadruplex. (Every R1 lot already allows up to 3 ADUs due to state laws)
- **Current Progress:**
 - The final draft of the Housing Element and the General Plan amendment are approved by the majority of the Council on May 14. Unfortunately, the environmental impact analysis has minimal information, even though we are looking at an unprecedented growth rate with over 6,200 units to be permitted in 8 years.
 - Although this is the first Council meeting where the draft Housing Element is on the agenda for discussion, there were no written answers provided from the staff, as normally provided for other items on the Council agenda. Given the time constraints, only a few questions were covered on the dais. Thus, many questions from the community and the council members still left unanswered:
 - Here are some questions submitted and some with answers: [15 more questions](#) without answers, [questions are corner lots](#) with answers, [additional questions from the community](#) without answers.
- **Next Step:** The zoning ordinance to rezone properties will likely be on the City Council agenda on July 2nd or a subsequent meeting in July.
After that, there will be design standard updates, such as R2 standards for the corner lots. and other ordinances to implement the policies outlined in the Housing Element.

3. **Information Memo posted on the City website:**

City Council Informational Memos are now available on the City website. The information can be accessed from the City website at cupertino.org/memos and the City Councilmembers page. You can also find the page via the “Our City” banner and by entering search terms in the “Search the Site” box at the top of the website. Anyone may use the eNotification signup to receive informational memo updates by email.

4. **How to Search an agenda item:**

A community member showed me a way to search for items on the past city meetings:

- Go to this page: <https://cupertino.legistar.com/Calendar.aspx>
 - Make sure that “Calendar” is selected from the top row of tabs and the “List View” is selected from the bottom row of tabs.
 - Enter the search term, such as “investment report”. Choose the year or select “All Years”

List View Calendar View

Search: All Years City Council notes closed captions

[Help](#)

144 records

1 2

Name	Meeting Date	Meeting Time	Meeting Location	Meeting Details	Presentations	Agenda
City Council	5/21/2024	6:00 PM	10300 Torre Avenue and 10350 Torre Avenue and via Teleconference <i>Non-Televised Closed Session</i>	Meeting details	Presentations	Agenda

(Last Activity Report in the [May 7, 2024 Council Meeting Agenda](#).)