

CC 01-17-2023

Study Session #1

City Council Procedures Manual

Presentation

City Council Procedures Manual

January 17, 2023



**CITY OF
CUPERTINO**



Overview

- City Manager and City Attorney identified need for written Council procedures and policies
- Draft City Council Procedures Manual provided for Council review and feedback



Overview

1. Introduction
2. Selection of the Mayor and Vice Mayor
3. Councilmember Committees and Subcommittees
4. Other City Commissions and Committees
5. Administrative Matters
6. Relationship with City Staff
7. Agendas and Staff Reports
8. Meeting Procedures
9. Closed Sessions
10. Enforcement of Rules; Suspension of Rules



Selection of Mayor and Vice Mayor

- The Mayor and Vice Mayor prohibited from serving consecutive terms.
- A procedure for removal of the Mayor and Vice Mayor would be established.



City Commissions and Committees

- Addresses service on commissions and committees by outgoing councilmembers.
- New rules are proposed to prevent undue influence on City commissions.



Administrative Matters

- Topics covered –
 - Attendance at Council meetings
 - Councilmember correspondence
 - Appointments to regional bodies
 - Responding to public correspondence
 - Ceremonial correspondence
 - Reimbursement of Council expenses
 - Councilmember ethics training



Relationship with City Staff

- Decorum requirements relating to public criticism of staff are clarified.
- A new rule clarifying Councilmember requests for information is proposed.



Agendas and Staff Reports

- New procedures are proposed to formalize the future agenda item list and agenda preparation process.
- Rules for agenda item descriptions are proposed.
- Minor modifications to the format of staff reports are proposed.



Meeting Procedures

- Council would adopt a meeting schedule at the beginning of each calendar year.
- Procedures for the seating of Councilmembers are proposed.
- Modifications to the order of business are proposed.
- Changes to the process for public comment on consent items and removing an item from the consent calendar are proposed.



Meeting Procedures

- Rules for public comment time limits are proposed.
- Standards of decorum are proposed.
- Council would be required to disclose ex parte contacts.
- Standards for relevance of Council deliberations would be clarified.



Meeting Procedures

- A procedure would be established for allocating time to Councilmembers during deliberations.
- Limits would be imposed on beginning discussion of an agenda item after 10:30 p.m. and continuing a Council meeting after 11:00 p.m.
- Public hearing procedures would be established.
- Council would formally recess for a set time each year.



Recommended Action

- Provide input regarding Council procedures and approve Resolution No. 23-021, adopting Cupertino City Council Procedures Manual



Questions?

CC 01-17-2023

Study Session #2

Commissions and
Committees

Presentation

Study Session Regarding City Commissions and Committees

January 17, 2023



**CITY OF
CUPERTINO**



Objective

- Receive direction from City Council to consolidate certain Commissions and Committees due to their similar duties and responsibilities and proceed with necessary municipal code amendments



Agenda

1. Introduction
2. Background
 - Existing Commissions
 - Existing Committees
3. Commissions and Committees in Other Cities in Santa Clara County
4. Staff's Recommendation
5. Questions

City Commissions

Commission	Primary Responsibilities	Staff Liaison
Arts and Culture Commission	Advises Council and encourages the realization, preservation, and advancement of fine arts for the benefit of the citizens of Cupertino.	Parks and Recreation Department
Bicycle Pedestrian Commission	Advises Council on transportation matters within Cupertino including bicycle and pedestrian traffic, parking, education, and recreation.	Public Works Department
Housing Commission	Advises Council on housing policies and strategies, affordable housing projects, and sources of funding for affordable housing.	Community and Development Department
Library Commission	Advises Council regarding library service in the community and serves as liaison between the City and the Santa Clara County Library JPA.	Parks and Recreation Department
Parks & Recreation Commission	Advises Council on parks and recreation related activities, including park site acquisition and development, community activities, and recreation policies.	Parks and Recreation Department

City Commissions (cont.)

Commission	Primary Responsibilities	Staff Liaison
Planning Commission	Advises Council on land use matters such as specific and general plans, zonings, and subdivisions. Reviews other matters as specified by City ordinances or Title VII of the Government Code of California.	Community and Development Department
Public Safety Commission	Advises Council on areas relating to public safety, traffic, police, fire and other areas where public safety may be of concern.	City Manager's Office – Emergency Service Division
Sustainability Commission	Advises Council on major policy areas related to the environmental goals in Cupertino's Climate Action Plan and General Plan's Environmental Resources/Sustainability Element.	City Manager's Office – Sustainability Division
Teen Commission	Advises Council and staff on issues and projects important to youth in the Cupertino community.	Parks and Recreation Department
Technology, Information, & Communications Commission (TICC)	Advises Council on all matters relating to telecommunications in Cupertino and provides support for community access television.	Information and Technology Department

City Committees

Committee	Primary Responsibilities	Staff Liaison
Administrative Hearing Committee	Reviews applicable projects as outlined by municipal code.	Community Development Department
Audit Committee	Reviews external and internal audit reports, monthly treasurer's report, and city investment policies. Recommends appointment of external and internal auditors and recommends a budget format.	Administrative Services Department
Design Review Committee	A subcommittee of the Planning Commission that reviews aspects of site and architectural design.	Community Development Department
Disaster Council	Supports the City's emergency management and preparedness responsibilities.	City Manager's Office – Emergency Service
Economic Development Committee	Enhances and promotes a strong local economy to provide municipal services that businesses and residents desire and need to maintain the community's quality of life.	City Manager's Office – Economic Development Division

City Committees (cont.)

Committee	Primary Responsibilities	Staff Liaison
Environmental Review Committee	Evaluates the environmental analysis of a proposed project to determine whether the project may or may not have a significant effect on the environment	Community Development Department
Housing Element Community Engagement Plan (CEP) Committee	Advise on the Housing Element outreach process with Housing and Planning Commission Chairs; Provide input on Community Engagement required to prepare the Housing Element	Community Development Department
Legislative Review Committee	Makes recommendations on legislative advocacy issues and authorizes position letters for legislation that aligns with the City's Council-approved Legislative Platform.	City Manager's Office



Council Subcommittees

The following subcommittees are no longer active and would be discontinued.

- Audit Expansion subcommittee
- Bidding and Contract Process subcommittee
- Bubba Road subcommittee
- City Hall Renovation / Expansion Project subcommittee
- Community Funding Grant Program subcommittee
- Farmer's Market subcommittee
- Fiscal Strategic Plan Committee
- Residential Design Standards subcommittee



Council Subcommittees (cont.)

In addition, the following subcommittees were approved by City Council with pending councilmember appointments.

- Closed Session Minutes subcommittee
- Legislative Aide selection subcommittee
- Summer Intern application review subcommittee
- Homelessness subcommittee
- Festival fee waiver subcommittee

These subcommittees would also be discontinued and the City Manager would assume the lead role, consulting with Council as appropriate.

Cities in Santa Clara County

City	Commissions and Committees	Population
Mountain View	19	82,272
Cupertino	17	66,762
Milpitas	17	84,196
Los Altos Hills	16	8,300
Los Altos	15	31,190
Palo Alto	14	67,019
Santa Clara	14	128,717
Gilroy	11	58,756
Campbell	11	42,288
Sunnyvale	11	156,503
Los Gatos	9	31,439
Saratoga	9	31,030
Morgan Hill	4	45,742
Monte Sereno	3	3,492

Staff Resources

Commission	Hours Spent Annually
Bicycle Pedestrian	240
Fine Arts	200
Housing	220
Library	350
Parks and Recreation	750
Planning	1100
Public Safety	200
Sustainability	220
Teen	300
TICC	120
TOTAL	3,740

Committees	Hours Spent Annually
Administrative Hearing Committee	30
Audit Committee	230
Disaster Council	30
Economic Development	60
Environmental Review	80
Design Review	40
Legislative Review	400
TOTAL	812



Staff's Recommendation

Receive direction from City Council to:

- 1) Consolidate certain Commissions and Committees into the following list
- 2) Discontinue all previously formed subcommittees, and
- 3) Proceed with preparation of necessary ordinance amendments.



The following Commissions are to remain:

- Arts and Culture Commission
- Bicycle Pedestrian Commission
- Housing Commission
- Library Commission
- Parks & Recreation Commission
- Planning Commission (*including functions that were previously designated for Design Review Committee and Environmental Review Committee*)
- Public Safety Commission
- Sustainability Commission
- Teen Commission
- TICC (Technology, Information & Communication Commission)



The following Committees are to remain:

- Administrative Hearing Committee
- Audit Committee
- Disaster Council

The following Committees will either be consolidated, with another Commission, discontinued or delegated to Council:

- Design Review (Planning Commission)
- Economic Development Committee (City Council)
- Environmental Review Committee (Planning Commission)
- HE Engagement Plan (task concluded)
- Legislative Review Committee (City Council)



Questions?

CC 01-17-2023

Study Session #1

City Council Procedures
Manual- Updated

Presentation

City Council Procedures Manual

January 17, 2023



**CITY OF
CUPERTINO**



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Suggested Revisions

- Revise **Section 1.1 (Purpose)** to remove any reference to members of the public.
- Revise **Section 2.1 (Selection of Mayor and Vice Mayor)** to allow the Mayor and Vice Mayor to serve consecutive terms.
- Revise **Section 2.2 (Removal of Mayor and Vice Mayor)** to require one warning before removal proceedings may be instituted, or alternatively, delete the provision.
- Revise **Section 4.3 (Performance Expectations)** to include additional training requirements.



Suggested Revisions

- **Section 4.4 (Appointment).** “. . . Former Councilmembers are not eligible for ~~appointment to~~ service on any commission or committee within four years of having served on the City Council.” -or-
- Revise **Section 4.4 (Appointment)** to clarify that former Councilmembers currently serving on a commission or committee may continue to serve the remainder of their term. -or-
- Revise **Section 4.4 (Appointment)** to allow former Councilmembers to serve without restriction.



Suggested Revisions

- Revise **Section 4.6 (Undue Influence on Commissioners)** to allow Councilmembers to participate in deliberations of City commissions.
- **Section 5.7 (Council Training).** “. . . 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.”
- **Revise Section 6.5 (Decorum)** to include the statement: “City management and Staff, the elected Council members, Vice-Mayor and Mayor must treat all members of the public with dignity, courtesy, and respect.”



Suggested Revisions

- **Section 6.6 (Councilmember Access to Information).**
Delete the last sentence addressing Councilmember use of the Public Records Act.
- Revise **Section 7.1 (Future Agenda Items)** to delete the statement: “Any item may be removed for the future agenda list by a majority of the City Council.”
- Delete **Section 7.1 (Preparation of Agenda).**



Suggested Revisions

- Delete **Section 8.2 (Seating of Councilmembers)**.
- Revise **Section 8.5.2 (Removing Items from Consent Calendar)** to continue to allow members of the public to pull items from the consent calendar.
- Revise **Section 8.5.2 (Removing Items from Consent Calendar)** to allow Councilmembers to remove items from the consent calendar without providing notice before the Council meeting begins.
- Revise **Section 8.6 (Public Comment)** to remove the 10 minute-limit on total time for public comment by a single member of the public.



Suggested Revisions

- **Section 8.9.3 (Council Questions and Deliberations).**
“. . . A member who has been recognized ~~should~~ shall limit their time to 5 minutes. The Mayor may allow additional time for questions where appropriate.”
- Revise **Section 8.10 (Meeting Length)** to require only a majority of members present and voting to extend Council meetings past 11:30 p.m.
- Clarify **Section 8.12 (City Council Recess Period)** to note that a special meeting may be called during recess.



Suggested Revisions

- Define a “study session” and prohibit Council from taking action on a study session item.
- Release the agenda earlier to provide more time for Council and the public to review.
- Include language regarding ad hoc subcommittees requiring (1) estimated staff resources required; (2) membership and purpose of the subcommittee; and (3) a process for termination of the subcommittee.



Suggested Revisions

- Include language emphasizing Council's policymaking authority, staff's independence, and the need to present alternatives to Council as appropriate.
- Include requirements to ensure that staff responses to Council questions regarding agenda items are shared with other Councilmembers and members of the public.



Suggested Revisions

- Adopt a system of pre-registration for public comment and “virtual speaker cards.”
- Adopt rules for the introduction of future agenda items through “colleagues memos.”
- Develop detailed guidelines for writing agenda items.



Recommended Action

- Provide input regarding Council procedures and approve Resolution No. 23-021, adopting Cupertino City Council Procedures Manual



Questions?

CC 01-17-2023

Item No. 26

Lawrence-Mitty Park and
Trail project

Presentation



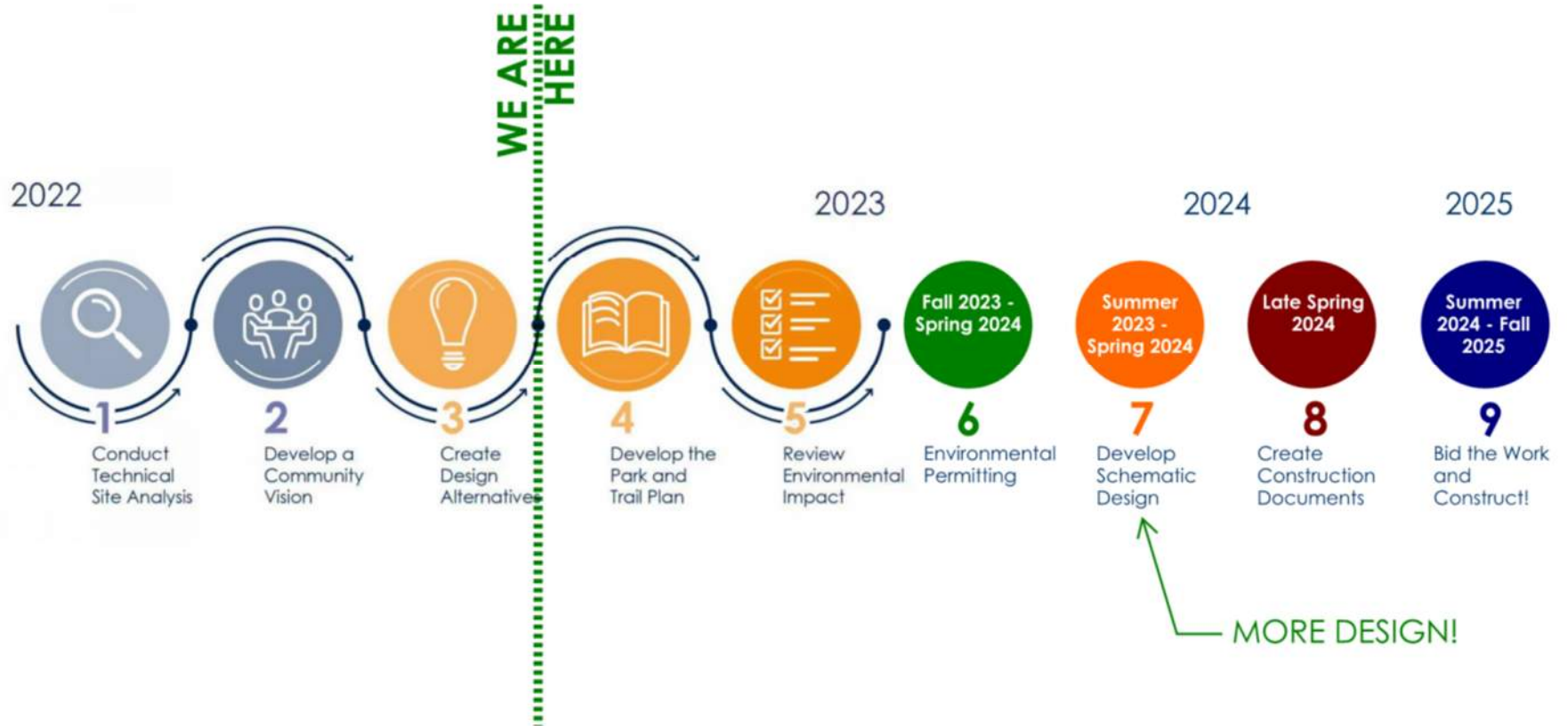
Project Phases



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Project Phases – More to Come!



CC 01-17-2023

#27

Weed Abatement
Program

Presentation

Weed Abatement Program

Cupertino City Council
January 17, 2023



CUPERTINO



Weed Abatement Program

- Prevents fire hazards from vegetative growth and combustible materials
- Managed by the Santa Clara County Department of Agriculture
- City Code 9.08 requires property owners to remove or destroy weeds
- Compliance is required annually by April 30 and throughout the year



County Report

- Program list of properties that have been non-compliant in removing weeds
- Properties remain on the list for three years
- Removed if found hazard free during that time
- November 15, Council adopted Resolution No. 22-138 accepting the County report



Owner Responsibilities

- Vegetation height must not exceed 6 inches
- Includes roadways and driveways
- Clear vegetation 30' from structures
- Clear combustible debris
- Clear from under eaves of houses
- Trim tree branches 10' from chimney
- Clear debris from roofs and gutters

Compliance



Before



After

Compliance



Before



After



Abatement Options

- Option 1: homeowner completes the required work
- Option 2: authorized contractor completes the work, charges appearing on next property tax bill



Inspections

- April 30, County begins conducting property inspections
- Every property in the program receives an initial inspection
- Program is entirely cost recovery, so every property is charged an inspection fee
- Initial inspection fee is waived for parcels that pass inspection
- Waived fees are billed to the City instead of property owner



Initial Inspection Fees Supplemental Costs

- November 2020, Council budget appropriation of \$8,046 (ongoing) in the General Fund
- Covers the costs of parcels that will pass the initial inspection
- Budget modification will be requested for costs exceeding allocation amount

2021 (Actual)	2022 (Actual)	2023 (Estimate)
\$7,896	\$10,465	\$10,212



Notice to Property Owners

- December 13, County sent notice of public hearing and notice to abate
- December 16, City sent reminder letter to abate by April 30 and maintain year-round



Recommended Action:

- Adopt Resolution No. 23-019 ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 22-138;
- Conduct hearing for impacted property owners to contest the matter of proposed abatement