

CC 01-25-2023

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City Council Procedures
Manual

Supplemental Staff Report
and Amended Attachment A
Procedures Manual
(Annotated Redline)

Desk Item



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CITY COUNCIL STAFF REPORT

Meeting: January 25, 2023

Subject

Consider adopting Cupertino City Council Procedures Manual, including a new Ceremonial Correspondence Policy

Recommended Action

Provide input regarding Council procedures and approve Resolution No. 23-____, adopting Cupertino City Council Procedures Manual, including a new Ceremonial Correspondence Policy

Supplemental Report

Edits to the annotated redline version of the Cupertino City Council Procedures Manual are highlighted in Attachment A. The edits include changes to Section 8.9.1 to ensure that the staff recommendation is reflected in the text of the proposed Procedures Manual.

Fiscal Impact

No fiscal impact.

Prepared by:


Christopher D. Jensen, City Attorney

Approved for Submission by:

Pamela Wu, City Manager

Attachments:

A - Draft Cupertino City Council Procedures Manual (Annotated Redline)

 City of Cupertino City Council Procedures Manual	Attachments: Ex. A – Ceremonial Correspondence Policy Ex. B – Elected Officials' Compensation Program Ex. C – Council Technology Policy Ex. D. – Resolution No. 07-103 Ex. E – Municipal Code Chapter 2.17
	Effective Date: DRAFT
Related Policies & Notes: See Exhibits A–E.	

1. Introduction

1.1 Purpose. The purpose of this Manual is to promote communication, understanding, fairness, and trust among the members of the City Council, City staff, and members of the public concerning their roles, responsibilities, and expectations for management of the business of the City of Cupertino.

Comments:

Councilmember Moore: Revise Section 1.1 to delete “and members of the public.”

1.2 Values. Courtesy and respect for individual points of view should be practiced at all times. All Councilmembers shall respect each other’s right to disagree. All Councilmembers shall act with decorum and courtesy.

1.3 Brown Act. All actions of the City Council and City commissions, committees, and subcommittees shall comply with the Ralph M. Brown Act.

Comments:

Councilmember Chao: 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.”

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2. Selection of the Mayor and Vice Mayor

2.1 Selection of Mayor and Vice Mayor. The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December. 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.

Comments:

Councilmember Moore: Revise Section 2.1 to 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."

2.2 Removal of Mayor and Vice Mayor. The Mayor or Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The Mayor or Vice Mayor must be advised of the proposed cause for removal at least 72 hours before any action is taken. If the Mayor is removed from office, the Vice Mayor shall become Mayor. If either officer is removed from office, the Vice Mayor shall be appointed from among the remaining three Councilmembers.

Comments:

Mayor Wei: Revise Section 2.2 to delete "for cause" and change "a 4/5ths affirmative vote of the members" to "a majority affirmative vote of the members."

Councilmember Chao: Revise Section 2.2 to 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, or (c) abuse of illegal drugs or other controlled substances or habitual intoxication. 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."

Vice Mayor Mohan: Revise Section 2.2 to 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

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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."

3. Councilmember Committees and Subcommittees

3.1 Appointment. The Mayor shall appoint Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to 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.

Comments:

Councilmember 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.

- 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."

Councilmember Moore: Revise Section 3.1 as follows: "The Mayor shall appoint Councilmembers to standing committees and all Councilmembers may nominate any Councilmember to ad hoc committees and subcommittees established by the City Council, with consideration of Councilmember preference, equitable distribution, seniority, experience, and benefit to the committee, subject to 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."

3.2 Instructions and Expectations. The Council shall make certain that all Council committees and subcommittees are properly instructed in their assigned scope

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of work and responsibilities. The committee's or subcommittee's jurisdiction shall be defined in writing and approved by a majority of the City Council. All Council committees and subcommittees having a continuing or indefinite jurisdiction shall be subject to the Brown Act.

- 3.3 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 whenever a recommendation is made to the Council.

Comments:

Councilmember Moore: Revise Section 3.3 as follows: "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 ~~whenever a recommendation is made to the Council.~~"

4 Other City Commissions and Committees

- 4.1 Responsibility.** The Council will make appointments to City's commissions and committees. Qualifications to serve on commissions and committees shall be set forth in the Municipal Code or by a resolution or motion of the Council that is not inconsistent with the Municipal Code. Appointment of Councilmembers to City committees shall be governed by the procedures in Section 3.
- 4.2 Attendance at Council Meetings.** At least one commission member 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 questions.

Comments:

Mayor Wei: Revise Section 4.2 to add: ". . . Staff shall provide the commission with advance notice for the commission to select a member to attend the City Council meeting."

Councilmember Moore: Revise Section 4.2 as follows: "At least one commission member, preferably the Chair or Vice Chair, 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 questions."

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- 4.3 Performance Expectations.** The Council shall make certain that all commissions and committees are properly instructed on their responsibilities and performance expectations. This will include the issuance of a Council-approved Commission and Committee Handbook and a mandatory annual training session for all Commission and Committee members.
- 4.4 Appointment.** Commission and Committee applicants will be interviewed by the Council before being voted on by the Council in a noticed public meeting. Applicants are considered by motion and appointed by a majority vote of Council. Two members of an immediate family or persons residing in the same household shall not be allowed to serve simultaneously on the same commission or committee. Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee. Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.

Comments:

Multiple Councilmembers: Revise Section 4.4 as follows: “. . . Former Councilmembers are not eligible ~~for appointment to~~ service on any commission or committee within four years of having served on the City Council.”

Councilmember Chao: Delete the last sentence of Section 4.4 (“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.”

Councilmember Moore: Revise Section 4.4 as follows: “. . . ~~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.”

- 4.5 Removal.** The City Clerk shall remove ~~commission or committee~~ members for failure to comply with attendance policies adopted in the ~~Commission and Committee Handbook~~ Commissioner’s Handbook. Council retains full discretion to review commission and committee member performance and may

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take disciplinary action as needed, including removal from the commission or committee.

Comments:

Staff Recommendation: Revise Section 4.5 to strike references to committees in the first sentence.

Councilmember Chao: Revise Section 4.5 as follows: “The City Clerk shall ~~remove~~ inform the Council to consider removal of commission or committee members for failure to comply with attendance policies adopted in the Commission and Committee Handbook”

Vice Mayor Mohan: Revise Section 4.5 as follows: “The City Clerk shall remove commission or committee members for failure to comply with attendance and other policies adopted in the Commission and Committee Handbook Commissioner’s Handbook”

- 4.6 Undue Influence on Commissioners.** Councilmembers should not attempt to influence or publicly criticize commission recommendations or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. Councilmembers that attempt to influence commission positions on an item may prejudice or hinder their role in reviewing the commission’s recommendation as a member of the City Council. Individual Councilmembers ~~and commissioners~~ shall have the right to attend meetings of commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations.

Comments:

Staff Recommendation: Delete “and commissioners” from the last sentence of Section 4.6.

Councilmember Moore: Delete “Individual Councilmembers and commissioners shall have the right to attend meetings of commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations.”

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Councilmember Chao: Add two new paragraphs in Section 4 that read as follows:

“On every item within the jurisdiction of a commission, the staff liaison shall work with the commission chair to schedule the item to receive inputs and seek recommendations from the commission, as time permits. The staff report at the Council meeting shall include commission inputs and recommendations. Rationale should be given when commission inputs are not available for an item within their jurisdiction.”

“**Respect the Role of Council Members as Policy Makers for the City.** Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives.”

5. Administrative Matters

- 5.1 Attendance.** City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Council members shall notify the Mayor or the City Clerk if they will be absent from a meeting.

Comments:

Councilmember Moore: Revise Section 5.1 to add the following: “Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if three or more meetings are missed.”

- 5.2 Correspondence.** Proposed correspondence from the Mayor or other Councilmembers on City stationery should generally be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. If the Mayor and the City Manager agree that the League’s position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council approval. City letterhead will be made available for routine correspondence (*e.g.*, thank you notes). Official

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correspondence (including email) from Councilmembers should be respectful and professional.

Comments:

Councilmember Moore: Revise Section 5.2 to add the following: “Official correspondence from any member of Council shall be provided to all members of Council.”

- 5.3 Regional Bodies.** The Mayor shall appoint Councilmembers to represent the City of Cupertino on regional bodies subject to ratification by the Council at its next regular meeting. The Mayor should endeavor to provide all Councilmembers a fair opportunity to represent the City. The positions taken by the appointed representatives should be in alignment with the positions that Council has taken on issues that directly impact the City of Cupertino. If an issue arises that is specific to Cupertino and Council has not taken a position, the issue should be discussed by Council prior to taking a formal position at a regional board meeting to assure that it is in alignment with Council’s position. Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council. Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

Comments:

Councilmember Moore: Revise Section 5.3 as follows: “Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral ~~or~~ and written reports to the Council”; and add the following: “The Council representative shall provide a written report to Council consistent with Section 3.3.”

- 5.4 Responses to Public.** It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and the City Manager shall keep Council informed of the City response.

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- 5.5 Ceremonial Correspondence.** Proclamations, certificates of appreciation or recognition, and letters of recognition or support are discretionary public announcements directing attention to a local resident, organization, or event. The Mayor may issue ceremonial proclamations, certificates, and letters as set forth in the City of Cupertino Ceremonial Correspondence Policy (Exhibit A).
- 5.6 Reimbursement.** City Councilmembers may be reimbursed for expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember as stated in the Elected Officials' Compensation Program, as may be amended from time to time (Exhibit B). Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. Councilmembers shall be eligible to receive City-issued hardware and software for the conduct of official business pursuant to the Council Technology Policy (Exhibit C).
- 5.7 Council Training.** Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law. New members must receive the training within their first year of service. 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, or at any conference attended . The City Clerk shall keep ethics training records for five years.

Comments:

Staff Recommendation: Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law. 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, or through a state-approved training which may be provided at a conference attended by the member. The City Clerk shall keep ethics training records for five years.

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Councilmember Fruen: Revise Section 5.7 to delete requirement that state-approved ethics education must be online.

5.8 Mayor's Initiative Budget. The Mayor may use the Mayor's initiative budget established as part of the City Manager's discretionary fund for projects that the Mayor deems appropriate during the Mayor's term of office, subject to the requirements of Resolution No. 07-103 (Exhibit D). The amount of the Mayor's initiative budget is determined by the City Council.

6. Relationship with City Staff

6.1 Incorporation of Municipal Code by Reference. Cupertino Municipal Code Chapter 2.17 (Exhibit E) governs the City Council's relationship with the City Manager and their staff under the Council-Manager form of government. To the extent that the provisions of Chapter 2.17 are not set below, they are incorporated by reference into this Manual.

6.2 Council/Manager Form of Government. Under the Council/Manager form of government, the City Council sets policy direction as the direct representatives of the community with the City Manager providing the professional expertise to manage the organization and carry out the Council's direction. The City Manager is responsible for carrying out the Council's policy direction through the day-to-day management of City functions, including the oversight of City operating departments. Neither individual Councilmembers nor the Council as a whole shall interfere with the City Manager's performance of the administrative duties conferred upon them in Cupertino Municipal Code section 2.28.040.

6.3 Council-Manager Relations. 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 Councilmember shall give orders to any subordinates of the City Manager. The City Manager shall take instructions from the City Council only when given at a duly held meeting of the City Council, and no individual Councilmember shall give any instructions to the City Manager.

6.4 Individual Councilmember Influence on Staff Decisions Prohibited. Individual Councilmembers shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council. If a Councilmember wishes to influence the actions, decisions, recommendations,

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workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of Council policy.

- 6.5 Decorum.** All Councilmembers and City staff shall treat each other with dignity, courtesy, and respect. In exercising the City Council’s policymaking authority, Councilmembers must often critique, modify, or reject a staff recommendation. While thorough vetting and criticism of staff policy recommendations or decisions is a necessary component of Council’s policymaking role, criticism should focus on the policy recommendations and decisions and should avoid personal attacks. Councilmembers shall refrain from publicly criticizing the general abilities, character, or motivations of any staff member and should share any such concerns privately with the City Manager or City Attorney.
- 6.6 Councilmember Access to Information.** City Council members 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. No Councilmember shall circumvent the City Manager’s direction regarding a request for information by seeking information through a Public Records Act request.

Comments:

Mayor Wei: Revise Section 6.6 as follows: “. . . No Councilmember shall circumvent the City Manager’s direction regarding a request for information by seeking information through a Public Records Act request except with the approval of the Council with a majority affirmative vote of the members.”

Councilmember Moore: Revise Section 6.6 to delete the sentence: “No Councilmember shall circumvent the City Manager’s direction regarding a request for information by seeking information through a Public Records Act request.”

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6.7 Authority of City Council. Nothing in this Manual shall limit the City Council's 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 Councilmembers, nor to committees composed of Councilmembers consisting of less than a quorum of the City Council.

7. Agendas and Staff Reports

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.

Comments:

Mayor Wei: Revise section 7.1 as follows: "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 that are outdated or obsolete, from the list of future agenda items. ~~Any item~~ Outdated or obsolete items may be removed for the future agenda items list by a majority vote of the City Council. The City Manager may ask Council to reaffirm that items remain on the future agenda items list with the support of two council members."

Multiple Councilmembers: Revise Section 7.1 to delete the sentence: "Any item may be removed for the future agenda items list by a majority vote of the City Council."

7.2 Preparation of Agenda. The City Clerk shall prepare the agenda in consultation with the City Manager, the Mayor, and the City Attorney. Absent exigent circumstances, an item will be scheduled for Council action no sooner than 14 days after receipt of a request to add the item to the future agenda items list. Any item requiring preparation of a staff report requires City Manager approval or, in case of a report prepared by City Attorney's Office staff, City Attorney approval, before being added to an agenda. The Mayor, in consultation with the City Manager and the City Clerk, shall determine the order of items on the agenda.

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- 7.3 Agenda Item Descriptions.** Each agenda item shall include a brief general description of the matter to be discussed (approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager.
- 7.4 Staff Reports.** Staff reports should include the following sections:
1. Subject
 2. Recommended Action
 2. Reasons for Recommendation
 3. Sustainability Impact
 4. Fiscal Impact
 5. California Environmental Quality Act
- 7.5 Agenda Publication.** Agenda packets for a regular meeting should be published and delivered to Councilmembers no later than the ~~Thursday~~ Wednesday prior to a Tuesday Council meeting. Councilmembers are encouraged to contact staff in advance for answers to questions regarding an agenda packet. Written communications addressed to Council shall be forwarded to Council and made available to members of the public, consistent with the requirements of the Brown Act.

Comments:

Staff Recommendation: Revise Section 7.5 to require the publication of agenda packets no later than the Wednesday prior to a regular Council meeting.

- 7.6 Supplemental Materials.** Supplemental reports 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 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.

Comments:

Councilmember Chao: Add a new paragraph that reads as follows: "Questions and all staff-prepared responses will be forwarded to all Councilmembers as well as put up on the special web page created for public review of Council agenda questions and staff responses. Staff will include the name of the Councilmember posing the questions in the 'subject' field of the e-mail

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response. Written copies of all Councilmember agenda questions and staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public.”

8. Meeting Procedures

8.1 Meeting Schedule. The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. At the second regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to the Brown Act.

~~**8.2 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.~~

Comments:

Staff Recommendation: Delete Section 8.2.

8.3 Rules of Order. City Council meetings shall be governed by Rosenberg’s Rules of Order. Unless otherwise required by state law or City ordinance, decisions of the Council shall be made by a majority of members present and voting. The Mayor may impose additional reasonable procedural rules not inconsistent with Rosenberg’s Rules of Order and the provisions of this Manual, unless objected to by a majority of Councilmembers present.

8.4 Order of Business. The order of agenda items for regular Council meetings is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

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4. Closed Session Report
5. Ceremonial Items
6. Oral Communications (public comment on non-agenda matters)
7. Consent Calendar
8. Public Hearings
9. Action Calendar
10. Council Reports and Comments
11. City Manager Report
12. Oral Communications (continued)
- ~~12~~13 Informational Items
- ~~13~~14 Adjournment

Oral communications shall be limited to 30 minutes. Additional speakers wishing to comment on non-agenda items may be given time to speak at the end of the agenda, after the City Manager's report. In the absence of an objection made by a majority of Councilmembers present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings.

Comments:

Staff Recommendation: Revise Section 8.4 to include any oral communications that continue beyond the allotted 30 minutes in the Order of Business.

8.5 Consent Calendar.

8.5.1 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.

Comments:

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Mayor Wei: Revise Section 8.5.1 as follows: “. . . Items may be removed from the consent calendar ~~only~~ by a member of the City Council. Items may be removed from the consent calendar by a member of the public with the approval of the Council with a majority affirmative vote of the members. The member of the public requesting removal must state the reason for the request.”

Councilmember Moore: Revise Section 8.5.1 to delete: “Items may be removed from the consent calendar only by a member of the City Council.”

8.5.2 Removing Item from Consent Calendar. Any member of the City Council who would like to remove an item from the consent calendar shall notify the City Manager and the City Clerk prior to the meeting. 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.

Comments:

Councilmember Moore: Delete Section 8.5.2.

Councilmember Fruen: Revise Section 8.5.2 to allow Councilmembers to remove at most one item from the consent calendar without providing notice before the Council meeting begins.

8.6 Public Comment. An opportunity for public comment shall be provided for the consent calendar, each other agenda item under consideration, and, during regular meetings, on any matter that is within the subject matter jurisdiction of the City Council. The Mayor may consolidate public comment for related agenda items, subject to overruling by a majority vote of the Council. Non-agenda matters (including Council and staff reports and informational items) may be addressed by the public during oral communications. Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk (“blue card”) or, where applicable, raise their hand in Zoom within five minutes of the time the Mayor opens public comment. Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker representing five or more members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to 10 minutes to address the Council. Consolidation of time among

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speakers is not otherwise allowed. No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting. If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator.

Comments:

Mayor Wei: Revise Section 8.6 as follows: “. . . Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk (“blue card”) or, where applicable, raise their hand in Zoom within ~~five~~ nine minutes of the time the Mayor opens public comment . Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker is representing themselves and one other member of the public in attendance wishing to comment on the item but electing not to speak, the speaker may have up to five minutes to address the Council. If a is speaker representing themselves and two other members of the public in attendance, the speaker may have up to seven minutes to address the Council. If a speaker is representing themselves and three other members of the public in attendance, the speaker may have 9 minutes to address the Council. If a speaker representing five or more members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to 10 minutes to address the Council. Consolidation of time among speakers is not otherwise allowed. ~~No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting.~~ If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator. All public comments must be relevant to the issue before the City Council. Arguments for or against a measure should be stated as concisely as possible.”

Councilmember Moore: Revise Section 8.6 to delete: “No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting.”

Councilmember Fruen: Revise Section 8.6 to 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.

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8.7 Communications with Members of the Public. The City Council may ask questions of speakers providing public comment but should avoid an extended discussion with members of the public during meetings. Additionally, when a member of the public provides comments regarding a matter that is not on the agenda, Councilmembers may (1) refer the speaker to staff; (2) refer the speaker to appropriate reference material; (3) request that staff report back at a future meeting; or (4) request that staff place the item on a future agenda. Councilmembers should not otherwise respond to or comment on an item of business that is not on the agenda. City staff should generally avoid responding to comments or questions from members of the public during Council meetings, although the City Manager or City Attorney may offer to arrange a time to discuss the subject matter of public comments with members of the public subsequent to the Council meeting.

8.8 Conduct of Meetings

8.8.1 Councilmembers. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord courtesy to each other, to City employees, and to members of the public appearing before the City Council.

8.8.2 City Employees. City staff shall observe the same rules of decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Councilmembers and members of the public.

8.8.3 Members of the Public. Members of the public attending City Council meetings are encouraged to treat Councilmembers, City staff, and other members of the public with the same courtesy that Councilmembers and City staff must accord to them. Any members of the public who engages in conduct that disrupts a City Council meeting shall be removed from the meeting. Nothing in this Manual or any rules of conduct that may be adopted by the City Council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council, City advisory bodies, or City staff.

8.9 Discussion and Deliberation

8.9.1 Ex Parte Contacts. Councilmembers shall disclose any ~~ex parte contacts~~ prior to deliberation on a quasi-adjudicative matter ex parte

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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.

Comments:

Staff Recommendation: Replace Section 8.9.1 with the following:

“Ex Parte Communications. Councilmembers shall disclose any 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.”

8.9.2 Relevance. All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending matter; discussion which departs from the item agendaized for discussion is out of order. Councilmembers should avoid repetition and shall not discuss matters that are not on the agenda. Arguments for or against a measure should be stated as concisely as possible.

8.9.3 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 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, 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.

Comments:

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Mayor Wei: Revise Section 8.9.3 to add the following: “. . . The Mayor may allow additional time for deliberation where appropriate.”

Councilmember Fruen: Replace Section 8.9.3 with the following:
“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.”

8.9.4 Opportunity for Equal Participation. It is the policy of the Council to encourage the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.

8.9.5 Civility. While it is appropriate to vigorously debate a motion, its nature, or its consequences, Councilmembers shall avoid attacks on the motives, character, or personality of other Councilmembers, City staff, and members of the public. The Mayor shall rule out of order any Councilmember who engages in such attacks.

8.9.6 Role of the Mayor. The Mayor has the responsibility for controlling and expediting the discussion of an agenda item. It is the duty of the Mayor to keep the subject clearly before the Councilmembers, to rule out irrelevant discussion, and to ensure civil discussion among Councilmembers.

8.10 Meeting Length. Meetings of the City Council shall adjourn by 11:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after 10:30 p.m. Any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past 11:00 p.m., it shall end at

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11:30 p.m. All meetings shall be adjourned at 11:30 p.m. unless by a 2/3 vote the City Council suspends this rule and votes affirmatively to extend the meeting past 11:30 p.m. Following the adjournment of the meeting, any remaining items on the agenda shall be continued to the next regular meeting of the City Council.

Comments:

Councilmember Fruen: Revise Section 8.10 to require only a majority of members present and voting to extend Council meetings past 11:30 p.m., instead of a 2/3 vote of the Council.

Councilmember Moore: Revise Section 8.10 as follows: "Meetings of the City Council shall adjourn by ~~11:30 p.m.~~ 12:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after ~~11:30 p.m.~~ Any motion to extend the meeting beyond ~~11:30 p.m.~~ 12:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past ~~11:30 p.m.~~ 12:00 p.m., it shall end at ~~11:30 p.m.~~ 12:30 p.m. All meetings shall be adjourned at ~~11:30 p.m.~~ 12:30 p.m. unless by a 2/3 vote the City Council suspends this rule and votes affirmatively to extend the meeting past ~~11:30 p.m.~~ 12:30 p.m. Following the adjournment of the meeting, any remaining items on the agenda shall be continued to the next regular meeting of the City Council."

Vice Mayor Mohan: Revise Section 8.10 to allow the Mayor to extend the time of adjournment.

8.11 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:

1. Open Public Hearing
2. Staff Report (\leq 10 minutes)
3. Applicant's presentation (where applicable) (\leq 8 minutes)
4. Questions from the Council
5. Public comment
6. Applicant's response to public comment (where applicable) (2 minutes)
7. Close Public Hearing
8. City Council discussion and vote

Where the public hearing involves an appeal of a decision to the City Council, the order of proceeding shall be as follows:

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1. Open Public Hearing
2. Staff Report (≤ 10 minutes)
3. Appellant's statement (≤ 8 minutes)
4. Applicant's statement (where applicable) (≤ 8 minutes)
5. Questions from the Council
6. Public comment
7. Applicant's response to public comment (where applicable) (2 minutes)
8. Appellant's response to public comment (2 minutes)
9. Close Public Hearing
10. City Council discussion and vote

Comment:

Councilmember Moore: Revise Section 8.11 to indicate that time limits are recommendations rather than strict requirements (e.g., "preferably ≤ 8 minutes").

8.12 City Council Recess Period. The City Council recess period shall begin the first Tuesday in August and end the Tuesday following Labor Day. 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. Nothing in this Section prevents the City Council from calling a special meeting during the recess period.

Comments:

Staff Recommendation: Revise Section 8.12 to clarify that a special meeting may be called during the recess period.

Councilmember Chao: Add a new paragraph to Section 8 that reads as follows: **"Study Sessions.** Study Sessions are meetings during which the Council receives

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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."

9. Closed Sessions

A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act. The City Attorney will schedule closed session meetings in consultation with the Mayor and the City Manager. Public comment shall be received in open session prior to a closed session. To ensure strict compliance with the Brown Act, the City Attorney or the City Attorney's designee shall report out in public session any reportable action taken during closed session and any other information from closed session authorized to be disclosed based on a majority vote of the City Council.

10. Enforcement of Rules; Suspension of Rules

The City Council may enforce repeated or serious violations of the rules set forth in this Manual through a censure action placed on a Council agenda. Nothing in this Manual shall be cited to invalidate a properly noticed and acted upon action of the City Council. Any rule set forth in this Manual may be suspended by a 2/3 vote of the Council.

Vice Mayor Mohan: Revise Section 10 as follows: "... Any rule set forth in this Manual may be suspended by a ~~2/3~~ 3/5 vote of the Council."

CC 1-25-23

Item No. 1

Study Session to
consider adopting City
of Cupertino City
Council Procedures
Manual

Written Communications

From: [Eric Schaefer](#)
To: [City Attorney's Office](#); [City Council](#); [Pamela Wu](#); [City Clerk](#)
Subject: City Council Procedures Manual (Jan. 25, 2023 agenda item 1.)
Date: Tuesday, January 24, 2023 1:48:01 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Councilmembers and City Staff,

I am concerned that some elements of the proposed City Council Procedures Manual could diminish democracy in the governance of Cupertino. My concerns by manual section are described in the following table.

Please include this letter as part of the written communication for the extended Study/Special Meeting Item "Consider Adopting Cupertino City Council Procedures Manual," on January 25, 2023.

Thank you for your consideration.

Section	My Content Suggestion	Impact (if my suggestion is not adopted)
1.0 Introduction	Add Chao's suggestion: "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."	The guiding principle of free and fair access to information and public participation in the City's governance is absent. Popular, democratic governance is diminished.
2.2 Removal of Mayor and Vice Mayor.	Clarify that removal from office means office of Mayor or Vice mayor and not removal from the office of City Council	A majority of council members could remove a member from city council, effectively overturning the will of the electorate.
3.1 Appointment of Councilmember Committees and subcommittees	Add Moore's suggestion that appointments should consider experience and benefit to the committee.	Committees might be staffed with members whose experience does not benefit the committees.
4.4 Appointment to Other	Do not accept Wei's	If adopted, a sitting

<p>City Commissions and Committees</p>	<p>proposed change: “Former Councilmembers are not eligible for appointment to to serve on any commission or committee within four years of having served on the City Council.”</p>	<p>Planning Commissioner would be removed. In this case, the appointment process is ignored and the current council majority removes a political adversary. The “courtesy and respect for individual points of view” that is professed in other sections of the manual is ignored and replaced by political expediency.</p>
<p>4.4 Appointment to Other City Commissions and Committees</p>	<p>Accept Moore’s suggestion that Commissioners and committee members shall not be employees of the City or companies which the City contracts with, or employees of subcontracted companies. “</p>	<p>Potential conflict of interest.</p>
<p>6.6 Councilmember Access to Information</p>	<p>Adopt Moore’s suggestion to remove the prohibition on councilmembers from using PRA requests for information.</p>	<p>A City Manager’s personal inclination could prevent the electorate’s representative (even if holding a minority opinion) from accessing information that is required to fulfill their sworn duty.</p>
<p>8.0 Meeting Procedures</p>	<p>Adopt Chao’s suggestion, which defines “Study Session” and clarify that no voting action is taken at a study session.</p>	<p>If expectations are not set accurately, council could vote on items that the public believes are not subject to a vote. The public’s participation could be diminished.</p>
<p>8.5 Consent Calendar</p>	<p>Define what qualifies for Consent Calendar. IMHO only non-controversial items like meeting minutes, accounts payable should be on Consent. Recent examples of what shouldn’t have been on Consent:</p>	<p>Items that merit discussion might not be discussed. The public loses an opportunity to comment on the item.</p>

	<p>Response to Civil Grand Jury report</p> <ul style="list-style-type: none"> • Lawrence-Mitty Park and Trail project design direction • Committee assignment • Update on 6th Cycle of the Housing Element 	
8.5.Adding and Removing Items from the Consent Calendar	Adopt Moore's suggestions (8.5.1, 8.5.2) that remove restrictions on pulling items from Consent	Items that merit discussion might not be discussed. The public loses an opportunity to comment on the item.

--
Eric Schaefer
Cupertino Resident

From: [Peggy Griffin](#)
To: [Pamela Wu](#); [City Clerk](#); [Christopher Jensen](#)
Cc: [City Council](#)
Subject: 2023-01-25 CC Study Session - Agenda Item1-Council Procedure Manual and...
Date: Tuesday, January 24, 2023 2:16:32 PM

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Dear City Manager Wu, City Attorney Jensen and City Clerk Squarcia,

There seems to be missing information in the materials for Agenda Item 1:

1. Exhibits A-E are referenced in the Manual and were included in the Jan. 17th packet as part of the dra
 - o Exhibit A: City of Cupertino Ceremonial Correspondence Policy
 - o Exhibit B: Elected Officials' Compensation Program
 - o Exhibit C: Council Technology Policy
 - o Exhibit D: Resolution No. 07-103
 - o Exhibit E: Cupertino Municipal Code Chapter 2.17
2. The new Ceremonial Correspondence Policy mentioned in the agenda description

Also, this agenda item was continued from the Jan. 17, 2023 CC Study Session but the descriptions do not match. Has this Ceremonial Correspondence Policy been added to this agenda item? If so, how can you continue an item but add stuff to it?

1-17-2023 Agenda Item 1 Description

STUDY SESSION

1. Subject: Consider adopting Cupertino City Council Procedures Manual

1-25-2023 Agenda Item 1 Description

STUDY SESSION

1. Subject: Consider adopting Cupertino City Council Procedures Manual, including a new Ceremonial Correspondence Policy (Continued from January 17, 2023)

Sincerely,
Peggy Griffin

From: [Rhoda Fry](#)
To: [City Clerk](#); [City Council](#); [Cupertino City Manager's Office](#); [City Attorney's Office](#)
Subject: For Item #1 and #2 Study Session January 25 Final Actions are not made at Study Sessions
Date: Tuesday, January 24, 2023 4:29:20 PM
Attachments: [CITY OF CUPERTINO - 2022.pdf](#)
[CITY OF CUPERTINO - 2021.pdf](#)
[CITY OF CUPERTINO - 2020.pdf](#)
[CITY OF CUPERTINO - 2019.pdf](#)
[CITY OF CUPERTINO - 2018.pdf](#)
[CITY OF CUPERTINO - 2017.pdf](#)
[CITY OF CUPERTINO - 2016.pdf](#)
[CITY OF CUPERTINO - 2015.pdf](#)
[CITY OF CUPERTINO - 2014.pdf](#)

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Hi City Clerk,
Just to clarify, please include this for public comment on Item #1 and #2 Study Session January 25
Final Actions are not made at Study Session
Thanks Much,
Rhoda Fry

From: Rhoda Fry [mailto:fryhouse@earthlink.net]
Sent: Sunday, January 22, 2023 5:41 PM
To: 'City Clerk' <CityClerk@cupertino.org>; 'citycouncil@cupertino.org' <citycouncil@cupertino.org>; 'manager@cupertino.org' <manager@cupertino.org>; 'cityattorney@cupertino.org' <cityattorney@cupertino.org>
Subject: Final Actions are not made at Study Sessions

Dear City Manager and City Council,

Final Actions are not made at Study Sessions.
Items are studied at Study Sessions, discussed at subsequent Regular Sessions, and subsequently decided.
This has been the case as far as I can remember in my 40 years as a Cupertino resident.
Attached you will find the facts to back up this assertion going back 9 years of Study Sessions (this was the maximum I was able to extract from the database).
In 9 years, Final Actions have never taken place on the same day as Study Session Items.

To continue transparency and public participation, at the next City Council meeting and moving forward, please

1. Do not take Final Action (vote on resolution) on Study Session items
2. Discuss the outcome of a Study Session and open public comment at a subsequent City Council meeting and then take action

Respectfully,
Rhoda Fry

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File #	Type	Status	File Created	Final Action	Title
14-0433	Study Session	Conducted	9/15/2014	12/16/2014	Subject: Study session for Stevens Creek Boulevard to McClellan Road Creek Corridor Master Plan on recommended alternatives to proceed with an EIR
14-0332	Study Session	Conducted	7/14/2014	10/7/2014	Subject: Study Session on the Final Environmental Impact Report (EIR) for the proposed General Plan Amendment, Housing Element Update, and associated Rezoning
14-0330	Public Hearings	Item Heard	7/14/2014	9/10/2014	Subject: Environmental Impact Report for General Plan Amendments, Housing Element Update and Associated Rezoning
14-0260	Study Session	Conducted	6/12/2014	7/15/2014	Subject: Study Session to provide an update on the Climate Action Plan (CAP) process and review greenhouse gas reduction measures to be considered for analysis in the City's Initial Study/Negative Declaration. Proposed measures focus on options to reduce community-wide emissions in the energy, transportation, water, and solid waste sectors
14-0259	Public Hearings	Item Heard	6/12/2014	7/9/2014	Subject: Climate Action Plan Description: Climate Action Plan Study Session to provide direction on a preferred project
14-0258	Study Session	Conducted	6/12/2014	7/7/2014	Subject: Study Session to discuss proposed changes to Municipal Code Chapter 14.18, Protected Trees Description: Application No(s): MCA-213-01 (EA-2013-02) Applicant(s): City of Cupertino Location: Citywide
14-0133	Study Session	Conducted	5/19/2014	7/7/2014	Subject: Civic Center Master Plan Study Session

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File #	Type	Status	File Created	Final Action	Title
15-1050	Study Session	Conducted	8/20/2015	11/17/2015	Subject: Study Session on the Civic Center Master Plan - Financing Alternatives and Affordability Analysis
15-1096	Study Session	Conducted	9/16/2015	10/20/2015	Subject: Study Session on potential Ballot Measures regarding Civic Center Master Plan and Vallco Shopping District Special Area
15-0920	Study Session	Conducted	6/2/2015	6/30/2015	Subject: Study Session on policy for processing General Plan Amendment applications
15-0833	Study Session	Conducted	4/21/2015	6/2/2015	Subject: Study Session on Santa Clara County Potential Transportation Tax Measure for 2016 - Envision Silicon Valley
14-0590	Study Session	Conducted	12/12/2014	5/12/2015	Subject: Study session regarding the Proposed Fiscal Year 2015-2016 Budget
15-0808	Consent Calendar	Approved	3/31/2015	4/21/2015	Subject: Provide formal direction regarding the Stevens Creek Boulevard to McClellan Ranch Road Corridor Master Plan in regards to scoping an Environmental Impact Report in conjunction with new facts associated with camp transportation using the Blackberry Farm swim and picnic facility
14-0596	Study Session	Conducted	12/16/2014	3/3/2015	Subject: Work Program study session
14-0598	Study Session	Conducted	12/16/2014	2/3/2015	Subject: Study session for the Stevens Creek Boulevard to McClellan Road Creek Corridor Master Plan (SCC Master Plan) and recommend alternatives to proceed with an Environmental Impact Analysis. (Re-noticed from January 21, 2015)
14-0607	Postponements and Orders of the Day	Authorized	1/7/2015	1/20/2015	Subject: Cancel the Adjourned Special Meeting scheduled for January 21 regarding Council deliberation and to provide staff direction on the Study Session for Stevens Creek Boulevard to McClellan Road Creek Corridor Master Plan and recommended alternatives to proceed with an EIR and direct staff to re-notice the meeting for February 3 at 6:45 p.m.

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File #	Type	Status	File Created	Final Action	Title
16-2198	Study Session	Conducted	11/28/2016	12/6/2016	Subject: Aircraft Noise Study Session
16-2103	Study Session	Conducted	10/17/2016	12/6/2016	Subject: Study Session on Wireless Facilities within the Public Right of Way
15-1163	Study Session	Conducted	10/12/2015	10/18/2016	Subject: Study Session regarding Sustainable Strategies for Recycling and Waste Management
15-1171	Study Session	Conducted	10/15/2015	5/17/2016	Subject: Study session regarding the Proposed Fiscal Year 2016-2017 Budget
14-0597	Study Session	Conducted	12/16/2014	3/15/2016	Subject: Work Program study session
16-1458	Study Session	Conducted	2/1/2016	3/1/2016	Subject: Study session on options for increasing business license taxes
15-1270	Study Session	Conducted	12/7/2015	1/19/2016	Subject: Study Session to consider entering into a Memorandum of Understanding with the Rotary Club of Cupertino to renovate the Stockmeir home and surrounding property to utilize as a non-profit center for Cupertino
15-1282	Study Session	Conducted	12/15/2015	1/19/2016	Subject: Study session regarding Economic Development Strategic Plan (EDSP) draft background report

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File #	Type	Status	File Created	Final Action	Title
17-3263	Study Session	Conducted	11/13/2017	11/27/2017	Subject: State of California's 2017 Legislative Housing bills
17-2662	Study Session	Continued	5/23/2017	6/6/2017	Subject: Study Session Regarding the Amended Proposed Fiscal Year 2017-2018 Capital Improvement Program (CIP) Budget
17-2371	Study Session	Conducted	2/14/2017	5/16/2017	Subject: Study session regarding the Proposed Fiscal Year 2017-2018 Budget



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File #	Type	Status	File Created	Final Action	Title
18-4663	Ordinances and Action Items	Approved	11/29/2018	12/18/2018	Subject: Schedule a study session to review, clarify, and discuss the Code of Ethics and Conduct for Elected and Appointed Officials adopted by Council on November 20, 2018
18-4133	Study Session	Conducted	6/29/2018	11/5/2018	Subject: Study Session regarding the Citywide Building Condition and Use Assessment
18-3976	Study Session	Agenda Ready	5/8/2018	10/16/2018	Subject: Study Session on homelessness
18-4081	Study Session	Conducted	6/12/2018	8/21/2018	Subject: Study session regarding the annexation process and options for Lehigh Permanente Quarry.
18-4240	Study Session	Conducted	7/30/2018	8/21/2018	Subject: Study Session on the potential formation of a Santa Clara County Regional Housing Needs Allocation (RHNA) subregion
18-4253	Old Business	Agenda Ready	8/2/2018		Subject: Consolidation of Commissions
18-4236	New Business	Agenda Ready	7/30/2018	8/9/2018	Subject: Study Session on the potential formation of a Santa Clara County Regional Housing Needs Allocation (RHNA) sub-region
18-4084	Study Session	Conducted	6/12/2018	7/31/2018	Subject: Study session to explore consolidation of Senior Citizen, Library, and Safety issues into Parks & Recreation Commission
18-4174	Study Session	Agenda Ready	7/12/2018		Subject: Study session to explore consolidation of Senior Citizen, Library, and Safety issues into Parks & Recreation Commission.
18-4189	Study Session	Agenda Ready	7/19/2018	7/24/2018	Subject: Study session to explore consolidation of Senior Citizen, Library, and Safety issues into Parks & Recreation Commission.
18-4116	Study Session	Conducted	6/21/2018	7/3/2018	Subject: Study session on proposed restructuring of Cupertino's business license tax
18-4080	Study Session	Conducted	6/12/2018	7/3/2018	Subject: Study Session promoting school safety and preventing gun violence
18-4036	Consent Calendar	Approved	5/29/2018	7/3/2018	Subject: Approve the June 11 (Study Session) City Council minutes
18-4035	Consent Calendar	Approved as Amended	5/29/2018	6/19/2018	Subject: Approve the June 4 (Study Session) City Council minutes
18-3972	Study Session	Conducted	5/8/2018	6/5/2018	Subject: Study session on potential revenue measures related to business license tax and storm drain fee.
18-4004	Study Session	Conducted	5/17/2018	6/4/2018	Subject: Study Session regarding Vallco Specific Plan
17-3364	Study Session	Conducted	11/30/2017	5/15/2018	Subject: Budget Study Session regarding the Proposed Fiscal Year 2018-19 Budget, including CIP
18-3895	Study Session	Conducted	4/18/2018	5/1/2018	Subject: City of Cupertino Below Market Rate (BMR) Housing Program Study Session
17-3365	Study Session	Conducted	11/30/2017	2/20/2018	Subject: Study Session on the fiscal year 2018-2019 City Work Program
17-3428	Study Session	Conducted	12/12/2017	2/6/2018	Subject: Study Session regarding short-term rental compliance



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File #	Type	Status	File Created	Final Action	Title
19-6707	Study Session	Agenda Ready	12/4/2019	12/10/2019	Subject: Study Session on the General Plan Annual Review/Implementation Plan and consider General Plan Policies and Strategies that could benefit from clarification. Postponed from the November 12, 2019 meeting.
19-6504	Study Session	Agenda Ready	11/7/2019	12/2/2019	Subject: Study Session regarding the proposed policy document for the City of Cupertino Code of Ethics/Ethics Protocol
19-6592	New Business	Agenda Ready	11/19/2019	11/25/2019	Subject: Study Session regarding the proposed policy document for the City of Cupertino Ethics Protocol for Elected and Appointed Officials
19-6553	Old Business	Agenda Ready	11/18/2019		Subject: Discuss November 19th City Council Study Session on building electrification policy and reach codes adoption process
19-6525	Postponements and Orders of the Day	Agenda Ready	11/13/2019	11/19/2019	Subject: Continue Item No. 15 Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments to a future meeting date and item will be noticed. These topics will be discussed in the study session.
19-6524	Public Hearings	Postponed	11/13/2019	11/19/2019	Subject: Adoption of the 2019 California Energy and Green Building Standards Codes with local amendments has been continued to a future meeting date and item will be noticed. These topics will be discussed in the study session.
19-6276	Study Session	Conducted	10/3/2019	11/19/2019	Subject: Study session regarding policy options to reduce the use of natural gas and increase electrification of Cupertino's building stock via local amendments to the 2019 California Energy & Green Building Standards Codes (Reach Codes).
19-6507	Study Session	Agenda Ready	11/7/2019	11/12/2019	Subject: Study Session on the General Plan Annual Review/Implementation Plan and consider General Plan Policies and Strategies that could benefit from clarification.
19-6404	Study Session	Agenda Ready	10/29/2019	11/12/2019	Subject: Study Session regarding amendments being proposed to City standards for parkland dedication and fees (Chapter 13.08 - Park Land Dedication Fee, Chapter 14.05 - Park Maintenance Fee, and Chapter 18.24 - Dedications and Reservations) and the 2014 Certified General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR
19-6502	Postponements and Orders of the Day	Agenda Ready	11/7/2019	11/14/2019	Subject: Study Session regarding the proposed policy document for the City of Cupertino Ethics Protocol for Elected and Appointed Officials
19-6342	Study Session	Agenda Ready	10/15/2019		Subject: Study Session related to Bird-Safe Development policies and guidelines. Application No(s): MCA-2019-004; Applicant(s): City of Cupertino; Location: citywide
19-6341	Study Session	Agenda Ready	10/15/2019		Subject: Study Session related to Dark Sky policies and/or standards. Application No(s): MCA-2019-003; Applicant(s): City of Cupertino; Location: citywide
19-6300	Study Session	Agenda Ready	10/8/2019		Subject: Study Session on the General Plan Annual Review/Implementation Plan
19-6259	Study Session	Postponed	9/30/2019	10/17/2019	Subject: Study Session and presentation of proposed Municipal Code Amendments to Chapter 19 to incorporate "Bird Safe" policies or guidelines. Application No(s): MCA-2019-00X; Applicant(s): City of Cupertino; Location: citywide
19-6258	Study Session	Postponed	9/30/2019	10/17/2019	Subject: Study session related to Dark Sky policies and/or standards. Application No(s): MCA-2019-003; Applicant(s): City of Cupertino; Location: citywide
19-6207	Study Session	Continued	9/19/2019	10/1/2019	Subject: Study Session regarding status of the Objective Standards Update to General Plan and Zoning Ordinance FY-2019-2020 Work Program Item (Application No.: CP-

File #	Type	Status	File Created	Final Action	Title
					2019-03; Applicant: City of Cupertino; Location: City-wide), provide direction to staff (continued from 9/18/19).
19-5995	Ordinances and Action Items	Agenda Ready	8/8/2019	9/18/2019	Subject: Study Session regarding status of the Objective Standards Update to General Plan and Zoning Ordinance FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide), provide direction to staff.
19-6143	Study Session	Agenda Ready	9/5/2019	9/10/2019	Subject: Study Session on the General Plan Annual Review/Implementation Plan
19-5231	Study Session	Conducted	3/25/2019	9/3/2019	Subject: Study Session regarding Below Market Rate (BMR) Residential Housing Mitigation and Commercial Linkage Fees for the Cupertino BMR Housing Program. Application No(s): CP-2019-01; Applicant(s): City of Cupertino; Location: Citywide
19-5822	Study Session	Conducted	7/18/2019	8/20/2019	Subject: Study session to discuss how the 2016 Bicycle Transportation Plan and 2018 Pedestrian Transportation Plan Projects have been brought to Council for consideration, how currently funded projects are being scheduled for completion, and recommendation of project information and impacts staff is to consider and describe for future funding requests
19-5820	Study Session	Conducted	7/17/2019	8/6/2019	Subject: Study Session regarding Application and Review Procedures for Projects Proposed Pursuant to Senate Bill 35. (Application No(s): CP-2019-04; Applicant(s): City of Cupertino; Location: Citywide)
19-5701	Study Session	Conducted	6/24/2019	8/6/2019	Subject: Study session regarding policy options to prevent youth access to tobacco products, including flavored tobacco products, and to reduce the density of tobacco retailers.
19-5838	Old Business	Agenda Ready	7/23/2019	7/30/2019	Subject: Study Session regarding Application and Review Procedures for Projects Proposed Pursuant to Senate Bill 35. (Application No(s): CP-2019-04; Applicant(s): City of Cupertino; Location: citywide) Continued from the July 23rd cancelled Planning Commission meeting.
19-5692	Old Business	Continued	6/20/2019	7/23/2019	Subject: Study Session regarding Application and Review Procedures for Projects Proposed Pursuant to Senate Bill 35. (Application No(s): CP-2019-04; Applicant(s): City of Cupertino; Location: citywide)
18-4769	Study Session	Conducted	12/20/2018	7/16/2019	Subject: Study session regarding improving communications with and effectiveness of advisory commissions and committees
19-5705	Study Session	Conducted	6/24/2019	7/16/2019	Subject: Study session and demonstration regarding options for unofficial transcription of City Council and commission/committee minutes
19-5639	Ceremonial Matters & Presentations	Agenda Ready	6/10/2019	7/16/2019	Subject: Study Session on Small Cell Facilities within the Public Right of Way
19-5731	Public Hearings	Agenda Ready	7/1/2019	7/9/2019	Subject: Study Session regarding status of Objective Standards Update to General Plan and Zoning Ordinance. FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide) Continuation of discussion from the June 25, 2019 study session
19-5631	Study Session	Agenda Ready	6/5/2019		Subject: Study Session regarding status of Objective Standards Update to General Plan and Zoning Ordinance. FY-2019-2020 Work Program Item (Application No.: CP-2019-03; Applicant: City of Cupertino; Location: City-wide)
19-5580	Study Session	Conducted	5/23/2019	6/18/2019	Subject: Study Session regarding Vallco Shopping District Special Area Initial General Plan Amendments. Application No(s):CP-2019-02; Apploicant(s): City of Cupertino; Location: Vallco Shopping District Area
19-5402	Old Business	Agenda Ready	4/30/2019	5/14/2019	Subject: Study session to create a list of objective standards topics as suggested by the Planning Commission and the public.
19-5464	Study Session	Conducted	5/6/2019	5/13/2019	Subject: Study Session on the FY 2019 - 2024 Proposed Capital Improvement Program with Funding Options
18-4307	Study Session	Conducted	8/28/2018	5/13/2019	Subject: Study Session regarding the Proposed Fiscal Year 2019 - 2020 Budget
19-5154	Study Session	Conducted	3/12/2019	5/7/2019	Subject: Study Session for an application by AT&T to locate a personal wireless service facility consisting of 16 panel antennas mounted on an 80 foot tall treepole, a base equipment station, and an emergency power generator at the Cupertino Sports Center located at 21111 Stevens Creek Boulevard.
19-5047	Study Session	Continued	2/21/2019	4/30/2019	Subject: Study Session on the FY 2019 - 2029 Proposed Capital Improvement Program with Funding Options
19-5005	Study Session	Conducted	2/12/2019	4/16/2019	Subject: Study Session regarding Economic Development Strategic Plan (EDSP) Review and Implementation Action Items related to possible amendments to the Municipal Code related to Mobile Vendors, allowing Incubator/Co-working uses in General Commercial zoning districts, and an Innovation District Vision Plan in the Bubb Road Special Area
19-4911	Study Session	Conducted	1/23/2019	4/2/2019	Subject: Study Session regarding short-term rental (e.g. Airbnb) regulations
19-5261	Study Session	Agenda Ready	3/27/2019	4/2/2019	Subject: Presentation and study session on City's updated financial forecast and capital financing options.
19-5227	New Business	Agenda Ready	3/22/2019		Subject: Presentation and study session on City's updated financial forecast and capital financing options.
19-5004	Study Session	Conducted	2/12/2019	2/19/2019	Subject: Study Session on new budget process



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20-8307	Study Session	Agenda Ready	10/14/2020	12/1/2020	Subject: Study Session on Climate Action Plan 2.0 initial draft goals and vision statement
20-8179	Study Session	Agenda Ready	9/9/2020	10/6/2020	Subject: Study session to receive input on services to be provided in a new 10-year franchise agreement
20-8046	Study Session	Agenda Ready	8/3/2020	9/22/2020	Subject: Study Session and presentation on the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under CEQA, a change required by Senate Bill (SB) 743.
20-7438	Study Session	Conducted	8/10/2020	9/15/2020	Subject: Study Session on Proposed Revisions to the Permitting Guidelines for Small Cell Facilities within the Public Right-of-Way
20-7898	Study Session	Conducted	7/20/2020	9/15/2020	Subject: Study session regarding policy options to reduce secondhand smoke exposure in Cupertino
20-7102	Study Session	Conducted	2/23/2020	7/7/2020	Subject: Study Session regarding General Plan Amendment Authorization Procedure adopted by the City Council in September 2015 by Resolution No. 15-078 (see Attachment A) ("GPA Authorization Procedure").
20-7716	Study Session	Agenda Ready	6/15/2020	6/23/2020	Subject: Study Session to provide an update on the Accessory Dwelling Unit implementation
19-6648	Study Session	Agenda Ready	11/25/2019	6/2/2020	Subject: Study Session on the Capital Improvement Program (CIP): Review of Funded FY19-20 Projects Recommended to Defer One-Year and Projects Proposed for FY20-21
20-7311	Study Session	Conducted	4/13/2020	5/19/2020	Subject: Study Session regarding the Proposed Fiscal Year 2010 - 2021 Budget
19-5039	Study Session	Agenda Ready	2/20/2019	5/19/2020	Subject: Study Session regarding Plan Bay Area 2050 and Regional Housing Needs Allocations (RHNA) (including impact of Jobs-Housing Balance and Jobs-Housing Fit to RHNA)
20-7092	Study Session	Agenda Ready	2/20/2020	5/5/2020	Subject: Study Session on Small Cell Facilities within the Public Right of Way
20-7093	Study Session	Conducted	2/20/2020	4/7/2020	Subject: Joint study session with the City Council and Planning Commission on state housing law: Housing Accountability Act, SB 330, and Density Bonus Law.
20-7127	Study Session	Agenda Ready	2/26/2020	3/10/2020	Subject: Study Session regarding common terms and documents related to the CEQA process
19-6304	Old Business	Agenda Ready	10/8/2019	1/28/2020	Subject: Study Session on the General Plan Annual Review/Implementation Plan and to consider General Plan Policies and Strategies that could benefit from clarification.
19-6303	Old Business	Agenda Ready	10/8/2019	1/14/2020	Subject: Study Session on the General Plan Annual Review/Implementation Plan and consider General Plan policies and strategies that could benefit from clarification

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21-10210	New Business	Agenda Ready	12/3/2021		Subject: Receive Budget Format Review and Opengov Study Session
21-10084	New Business	Agenda Ready	10/29/2021		Subject: Budget Form Review and OpenGov Study Session
21-9873	New Business	Agenda Ready	9/15/2021		Subject: Budget Format Review Summary and OpenGov Study Session
21-9544	Study Session	Agenda Ready	6/25/2021	9/21/2021	Subject: Study Session to provide an update on the Pre-Approved Accessory Dwelling Unit Program and Accessory Dwelling Unit implementation
21-9761	Study Session	Agenda Ready	8/19/2021		Subject: Study Session to provide an update on the Pre-Approved Accessory Dwelling Unit Program and Accessory Dwelling Unit implementation.
21-9382	Study Session	Agenda Ready	5/19/2021	6/4/2021	Subject: Study Session II on Fiscal Year (FY) 21-22 Proposed Budget
21-9142	Study Session	Agenda Ready	4/19/2021	5/18/2021	Subject: Initial Study Session on Fiscal Year (FY) 21-22 Proposed Budget.
21-9233	Study Session	Agenda Ready	5/5/2021	5/11/2021	Subject: Special joint study session meeting with City Council, Planning Commission, and Housing Commission on the Housing Element update.
21-9033	Study Session	Agenda Ready	3/16/2021	5/4/2021	Subject: Study Session on the Capital Improvement Programs (CIP): Review of Projects Proposed for Fiscal Year (FY) 21/22.
21-9144	Study Session	Agenda Ready	4/19/2021	4/27/2021	Subject: Special joint study session meeting with City Council, Planning Commission, and Housing Commission on the Housing Element update.
21-8728	Study Session	Agenda Ready	1/21/2021	4/20/2021	Subject: Study Session on the City of Cupertino's Permitting Guidelines for Small Cell Facilities within the Public Right-of-Way.
21-8747	Study Session	Agenda Ready	1/27/2021	2/16/2021	Subject: Study Session to compare standards for mixed-use developments and high density residential guidelines with other cities.
20-6960	Study Session	Agenda Ready	1/29/2020	1/26/2021	Subject: Study Session to compare standards for mixed-use developments and high density residential guidelines with other cities
20-8322	Study Session	Agenda Ready	10/21/2020	1/19/2021	Subject: Study Session on Lehigh Southwest Cement Company/Permanente Quarry and Stevens Creek Quarry regarding Reclamation Plan Amendment and Use Permit Applications to County of Santa Clara.



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File #	Type	Status	File Created	Final Action	Title
22-11369	Study Session	Agenda Ready	8/16/2022	9/20/2022	Subject: Study Session to consider potential Municipal Code Amendments to allow properties in Single Family Residential Districts to subdivide properties into two and/or develop properties with up to two units ministerially pursuant to CA Senate Bill 9
22-10837	Study Session	Conducted	4/27/2022	6/21/2022	Subject: Public Review Draft Climate Action Plan 2.0 Study Session
22-10947	Study Session	Agenda Ready	5/12/2022	6/7/2022	Subject: Study Session and Consideration of Design Professional Services Agreement between the City of Cupertino and Dialog Design LLP for the City Hall Annex at 10455 Torre Ave
22-10973	Study Session	Agenda Ready	5/18/2022		Subject: The fourth study session on the Housing Element Update focusing on the establishment of a housing sites selection inventory and strategies to promote the development of new housing.
22-10963	Study Session	Conducted	5/18/2022	5/19/2022	Subject: Initial Study Session on Fiscal Year (FY) 2022-23 Proposed Budget (Continued from May 17, 2022)
22-10945	Study Session	Agenda Ready	5/11/2022	5/17/2022	Subject: Consider a Study Session on the Capital Improvements Program (CIP,) including review of the five-year CIP (Fiscal Year (FY) 22-27) and new proposed projects for FY 22-23; Consider the supplemental information for Capital Improvements Program (CIP) Study Session (Continued from May 3, 2022)
22-10458	Study Session	Continued	2/7/2022	5/17/2022	Subject: Initial Study Session on Fiscal Year (FY) 2022-23 Proposed Budget
22-10583	Study Session	Agenda Ready	3/8/2022	5/3/2022	Subject: Consider a Study Session on the Capital Improvements Program (CIP,) including review of the five-year CIP (Fiscal Year (FY) 22-27) and new proposed projects for FY 22-23
22-10725	New Business	Agenda Ready	4/7/2022		Subject: Third study session on the Housing Element update focusing on the establishment of a housing sites selection inventory and strategies to promote the development of new housing.
21-10165	Study Session	Conducted	11/17/2021	3/1/2022	Subject: Consider a Study Session on the proposed ordinance language and phasing for a Single-Use Plastics Ordinance
22-10474	Study Session	Agenda Ready	2/8/2022		Subject: Housing Element Update study session focusing on the establishment of a housing sites inventory (Continued from January 25th Planning Commission meeting)
22-10325	Study Session	Agenda Ready	1/5/2022	2/1/2022	Subject: Study session to discuss the awarded PDA Planning Grant funds from the Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG/MTC) for the Heart of the City Specific Plan Update in conjunction with the Housing Element Update
21-10292	Study Session	Agenda Ready	12/15/2021		Subject: Housing Element Update study session focusing on the establishment of a housing sites inventory

From: [Lisa Warren](#)
To: [City Clerk](#)
Cc: [City Council](#)
Subject: Comment for January 25 2025 Special Meeting of City Council -- Need Definition/Glossary included in City Council Procedure Manual
Date: Tuesday, January 24, 2023 9:46:35 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk's office,

Please include this communication in items submitted for January 25, 2023 Special City Council Meeting related to Item 1 of the continued Study Session from January 17, 2023

Previously sent this email to City Manager and City Attorney.
I have now included City Council here.

Thank you.
Lisa Warren

----- Forwarded Message -----

From: Lisa Warren <la-warren@att.net>
To: Pamela Wu <pamelaw@cupertino.org>; Christopher Jensen <chrisj@cupertino.org>
Sent: Tuesday, January 24, 2023 at 06:42:30 PM PST
Subject: Need Definition/Glossary included in City Council Procedure Manual

City Manager Wu and City Attorney Jensen,

It has become clear to me that a document being designed to be a Manual for City Council Procedures, should include a Glossary of Terms to define things clearly.

In the effort to be as transparent as possible, there should be a consistency of currently understood descriptions/definitions and those moving forward. In other words, do not change the definition of a term that the city and it's residents are already familiar with, and understand. However, DO define repeatedly used terms, along with any new terms that warrant definition.

For starters only, a newly adopted Manual should **define 'Types (categories)' that agenda items** are listed under.

The **meeting type** (ex. Regular vs. Special) can be defined also (and is already defined somewhere in city docs), **but** it is the 'Type' of item that is really important in this moment.

Examples of 'Type' of item currently labeled in published, official, Agendas:

- Ceremonial Matters & Presentations
- Reports by Council and Staff
- Consent
- Public Hearings
- Study Session
- Ordinance and Action Items
- Second Reading of Ordinances
- Closed Session
- Open Session
- 'Other' - include any 'type' used, but not listed above

Please consider the following info as example only. Also realize that this would be much easier to explain in a spoken conversation than an email message. I am trying to illustrate why defining terms in a glossary is well worth considering.

There was a recent response by Staff to a resident's email that was confusing and contextually incorrect, as terms were not used accurately. Special Session and Study Session are not interchangeable. Special Session is not currently a term that is publicly used. The two terms Special Meeting and Study Session refer to different things and accurate definitions should be included in any City Council Procedural Manual along with other 'terms' used in the current draft manual.

It is likely that email messages/replies, public comments, staff reports, etc. periodically have glitches using close, but not correct, terminology. It can happen from any angle. It becomes a problem when it is not corrected, especially when errors are public record.

[Special Meeting and Regular Meeting are Meeting types while Study Session is a Item type) within a meeting]

This is my summary of what a correction would have been in the instance I am referring to. I am open to correcting it if appropriate.

Both Aug 29 and Aug 30 "Special Meetings" were scheduled during Aug 16 mtg. when it was decided to 'continue' Aug 16 Regular Meeting Item #24 so there would be proper time to discuss HE sites, and address a time crunch to do so. Item #24 of Aug 16 **Regular Meeting** was under the 'Type' **Ordinances and Action Items**, so the continued item was correctly noticed and listed on the Aug 29 and 30 **Special Meetings** agendas under the same 'type'. The Items were **under the heading type "Ordinances and Action Items" NOT 'Study Session'**

The minutes for August 16, 2022 CC **Regular** meeting include this :
"Council unanimously consented to continue this item (#24) to a Special City Council Meeting on August 29, 2022 and August 30, 2022, as

necessary."

I truly hope that council/staff can agree that as a manual is being created, it must include complete and correct definitions for the 'Types' of agenda 'Items' **as well as** other terminology that is key to the document.

*Thank you.
Lisa Warren*

PS: A **Study Session on Cupertino meeting agendas** has been, and understood to be, for presentations, discussions, clarifying questions, suggestions, and more casual 'collaboration'. NOT for ultimate decision making/voting.

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2023-01-25 City Council Agenda Item1 - Council Procedures Manual
Date: Wednesday, January 25, 2023 11:35:44 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Wei, Vice Mayor Mohan and Councilmembers,

I've sent many emails regarding my concerns on specific sections of this City Council Procedures Manual. I do believe establishing rules in writing is a good thing if they do not hinder a person's rights or the ability of both the government and the people to have a transparent exchange of information.

In response to this DRAFT2 of the manual, PLEASE make these key changes (NOTE sections refer to the DRAFT2, not the clean version):

1. **DO NOT adopt this procedure manual at today's Study Session!** Direct staff to make whatever changes and have it presented to the public at a regularly scheduled City Council meeting. This was the Jan. 17, 2023 motion you all voted on. Passing it today, at a Study Session, will add to the mistrust that I building.
2. **SECTION 4.4 Appointment – Last sentence** – Leave the wording as “Former Councilmembers are not eligible for appointment...”.
 - a. The proposed change to “serving on” is a direct attempt to remove Commissioner Scharf from the Planning Commission in order to pack the commission. The combination of this action with the purging of the Environmental Review Committee and the Design Review Committee into the Planning Commission is a move to prepare the Planning Commission to make the desired decisions on some upcoming projects. The optics do not look well!
 - b. Also, new Councils have always allowed commissioners to serve out their terms! Don't change that!
3. **SECTION 6.6 – Councilmember Access to Information** – **Do a compromise-REWORD IT!**
DELETE the last sentence restricting a councilmembers ability to do a Public Records Act request. If a councilmember feels they need to do this, something is wrong with the system.
SUGGESTED REWORDING OF LAST SENTENCE:
 - a. “If a councilmember feels they are not being given the requested information in a timely manner, before resorting to a Public Records Act request, they should meet with the Mayor, City Manager and City Attorney to discuss the situation.”
 - b. This allows the staff to address the problem first BUT also does not restrict the councilmembers ability under the California Constitution.
 - c. This is a compromise!

4. **SECTION 7.1 Future Agenda Items** – DELETE the last sentence allowing a majority of Councilmembers to remove future agenda items.
 - a. **Compromise!** Reword it to allow whoever put the item on the agenda to remove it if it's no longer needed.

5. **SECTION 8.4 Order of Business** –
 - a. DEFINE what goes in the different sections by adding a Glossary. Particularly, define what's in the following sections:
 - i. CONSENT CALENDAR
 - ii. PUBLIC HEARINGS
 - iii. ACTION CALENDAR
 - b. DEFINE what can and can't be done in a STUDY SESSION.
 - c. ORAL COMMUNICATIONS – change the sentence below the list of items to say “Additional speakers... WILL (not may) be given time...at the end of the agenda.”
 - i. You want people to participate. If they take the time to attend to speak, let them speak!

6. **SECTION 8.5 Consent Calendar** – Define exactly what can be placed under Consent.

7. **SECTION 8.5.1 Adding Item to Consent Calendar** – DELETE the 2nd sentence that allows “any item to be placed on the Consent Calendar” during the meeting.
 - a. This is asking for trouble if the public has gone out of their way to attend a meeting to speak on that item and it then suddenly, they no longer can have that item discussed in public – it is restricting information.

8. **SECTION 8.5.2 Removing Item from Consent Calendar** – DELETE this section. If the use of Consent Calendar is not abused, this normally is not a problem. Packing an agenda then stuffing all the items under Consent IS a problem so the combination of defining what can and cannot be placed under Consent will help reduce the need to pull items.
 - a. **Compromise! IF** you absolutely need to restrict this, allow BOTH the Public and Councilmembers the ability to pull in advance of the meeting BUT also allow Councilmembers to pull any item during the meeting.

9. **SECTION 8.6 Public Comment** – Allow any number of people to combine their time up to a maximum of 10 minutes. Define how it's done for 2 people, 3 people, 4 people, 5 people up to 10 minutes.
 - a. This allows people who do not speak in public or are not fluent the opportunity to express their opinions.

We've heard the Council will strive to “work together”. Prove it! These rules apply to everyone. Please make it fair for everyone!

Sincerely,
Peggy Griffin

From: [Donna austin](#)
To: [City Clerk](#); [Hung Wei](#); [Sheila Mohan](#)
Subject: Item 1 on the agenda, Procedures Manuel
Date: Wednesday, January 25, 2023 3:11:33 PM

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From: Donna austin <primadonal@comcast.net>
Date: January 25, 2023 at 3:02:36 PM PST
To: Donna <primadonal@comcast.net>
Subject: Procedures Manuel

To Mayor Hung Wei, Vice Mayor Sheila Mohan the city council:
The procedures Manuel in the agenda for tonight city council meeting is extremely important to promote efficient and transparent meetings

I've read the Manuel and changes that promote transparency and open and efficient government. These changes are proposed from the grand jury and the audit committee and I support them.

There has always been a consent calendar with items thoroughly studied and discussed before. I believe no items are slipped in that are new and important! Better Cupertino has used the method of calling for public records and discussing an item over and over to hinder getting the job done.

.Our housing element that the state required didn't get done with all the plethora of record requests and more public input over the same issues.

This new public Manuel will regulate procedures and make meetings more efficient. A San Jose Mercury News article said Cupertino was the WORST run city. Let's get to BEST. the procedure Manuel and the revisions are paramount to good governing. I encourage our city council to vote for efficiency!

Donna Austin
Primadonal@comcast.net
408 499 9031
22283 N DeAnza Circle
Cupertino, CA 95014
Sent from my iPhone

From: [Liang Chao](#)
To: [City Clerk](#)
Subject: Fw: Mayor's budget and initiative
Date: Wednesday, January 25, 2023 3:02:18 PM

Please enter this into the written communication of the 1/25 council meeting for agenda 1.



Liang Chao
Vice Mayor
City Council
LiangChao@cupertino.org
408-777-3192

?	?	?	?	?	?	?
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From: Liang Chao <LiangChao@cupertino.org>
Sent: Wednesday, January 25, 2023 3:01 PM
To: Pamela Wu <PamelaW@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Cc: Debra Nascimento <DebraN@cupertino.org>
Subject: Re: Mayor's budget and initiative

But the adopted resolution did not address these questions I have.... that is why I am asking these questions.



Liang Chao
Vice Mayor
City Council
LiangChao@cupertino.org
408-777-3192

?	?	?	?	?	?	?
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From: Pamela Wu <PamelaW@cupertino.org>
Sent: Wednesday, January 25, 2023 1:42 PM
To: Liang Chao <LiangChao@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Cc: Debra Nascimento <DebraN@cupertino.org>
Subject: RE: Mayor's budget and initiative

Thank you for the clarification. Going forward, staff's recommendation on Mayor's fund utilization is to follow the steps laid out in the adopted resolution.

Pamela

Pamela Wu



City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Wednesday, January 25, 2023 11:54 AM
To: Pamela Wu <PamelaW@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Cc: Debra Nascimento <DebraN@cupertino.org>
Subject: Re: Mayor's budget and initiative

No.
My concerns have to do with how the Mayor will direct the staff this year in 2023 and going forward.

Please clarify.

Thanks.



Liang Chao
Council Member
City Council
LiangChao@cupertino.org
[408-777-3192](tel:408-777-3192)



From: Pamela Wu <PamelaW@cupertino.org>
Sent: Wednesday, January 25, 2023 8:25 AM
To: Liang Chao <LiangChao@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Cc: Debra Nascimento <DebraN@cupertino.org>
Subject: RE: Mayor's budget and initiative

Councilmember Chao, as much as I appreciate your effort to provide a more specific approach to your questions below, your concerns are largely related to the Lawrence-Mitty event which I was not part of.

Pamela

Pamela Wu
City Manager



City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Tuesday, January 24, 2023 7:17 PM
To: Pamela Wu <PamelaW@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Cc: Debra Nascimento <DebraN@cupertino.org>
Subject: Re: Mayor's budget and initiative

But I need answers on most of the questions.

Let me reframe my question without referring to Lawrence-Mitty Park.

Question 1: Is it the operational duty of the city staff to conduct the opening ceremony of a city park?

Question 2: If the Mayor used the Mayor initiative fund for an event, does the Mayor have the authority to direct city staff in exercising his right to utilize the Mayor's fund?

Question 3: The Mayor has no more authority to direct the city staff than any individual council member. But the Mayor is allocated the Mayor's fund. Are we expecting the Mayor to utilize zero city staff time when utilizing the Mayor's fund?

Question 4: Some of Mayor's Initiatives might take little staff time or might already coincide with city operation and can be supported as a part of the city operation. Some of Mayor's initiative might take more significant staff time. Where such line should be drawn or who draw such a line? The Council or the City Manager?

I am truly confused with this issue and really need some clarification.

Thanks!

Liang Chao
Council Member
City Council
LiangChao@cupertino.org
[408-777-3192](tel:408-777-3192)



From: Pamela Wu <PamelaW@cupertino.org>
Sent: Saturday, January 21, 2023 11:43 AM
To: Liang Chao <LiangChao@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Cc: Debra Nascimento <DebraN@cupertino.org>
Subject: RE: Mayor's budget and initiative

Councilmember Chao, I am sorry that I will not be able to provide a response to most of your questions below as I was not involved with the Lawrence-Mitty ribbon cutting event. However, there is adopted policy governing how Mayor's fund should have been utilized that is included in the proposed Council policy. I believe the adopted policy can clarify some of your questions. For easier access, please see the resolution attached.

Pamela



Pamela Wu
City Manager
City Manager's Office
PamelaW@cupertino.org
[\(408\)777-1322](tel:(408)777-1322)



From: Liang Chao <LiangChao@cupertino.org>
Sent: Wednesday, January 18, 2023 2:20 PM
To: Pamela Wu <PamelaW@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Subject: Mayor's budget and initiative

I would like some clarification on the Mayor's authority to direct staff in relation to so-called "Mayor's Initiative".

The Civil Grand Jury report on Cupertino somehow indicated that the former Mayor directed staff to help organize the opening ceremony of the Mitty-Lawrence Park. I was quite surprised. The development of the Mitty-Lawrence Park is on our work program, which the entire Council approved.

Question 1: Is it the operational duty of the city staff to conduct the opening ceremony of a

city park? Why does the city staff could even reject the Mayor's request to help organize the opening ceremony?

Question 2: I suppose the Mayor used his Mayor initiative fund for the opening ceremony of Mitty-Lawrence Park. If that is the case, does the Mayor have the authority to direct city staff in exercising his right to utilize the Mayor's fund?

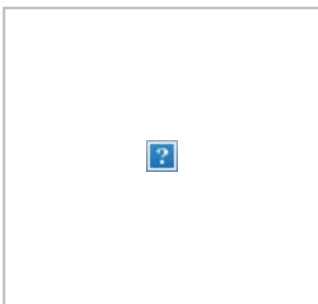
Question 3: The Mayor has no more authority to direct the city staff than any individual council member. But the Mayor is allocated the Mayor's fund. Are we expecting the Mayor to utilize zero city staff time when utilizing the Mayor's fund?

Question 4: Some of Mayor's Initiatives might take little staff time or might already coincide with city operation and can be supported as a part of the city operation. Some of Mayor's initiative might take more significant staff time. Where such line should be drawn or who draw such a line? The Council or the City Manager?

I am truly confused with this issue and really need some clarification.

Thanks!

Liang



Liang Chao

Vice Mayor

City Council

LiangChao@cupertino.org

[408-777-3192](tel:408-777-3192)



From: [Tessa Parish](#)
To: [Christopher Jensen](#); [City Clerk](#); [Pamela Wu](#); [City Council](#)
Subject: Addition to comments
Date: Wednesday, January 25, 2023 2:55:21 PM

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if the council does decide to pass the item about former council members, not serving please specify that it does not affect sitting commissioners in the resolution for clarity--

Tessa Parish

DRE#01158499

RHM Realty

www.ParishRealEstateGroup.com

408.396.8377

From: [Liang Chao](#)
To: [City Clerk](#)
Subject: Fwd: Do not circumvent CMC 12.7 (free access to information) and the Brown Act (sunshine law)
Date: Wednesday, January 25, 2023 2:35:10 PM

Please enter this as a written communication for the 1/25 council meeting for agenda item 1.

Thanks!



From: Liang Chao <LiangChao@cupertino.org>
Sent: Wednesday, January 18, 2023 1:16 PM
To: Pamela Wu <PamelaW@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Subject: Do not circumvent CMC 12.7 (free access to information) and the Brown Act (sunshine law)

(Fixed some typo and added link from a previous email titled "Do no circumvent CMC 12.7")

If any city staff does not understand why the City Councilmembers need free access to information in order to perform their duties, I would encourage the City Manager to refer them to [CMC 12.7](#):

CMC 12.7.020

"The intent of this chapter is to address and clarify the relationship between the City Council, individual Council members, and city staff by:

- A. **Maintaining control and direction of the City by the City Council as a whole;**
- B. Insuring that City Council members have free access to the flow of any information relative to the operation of the City and insuring that such information is communicated by staff in full and with candor to the Council;
- C. Ensuring that the Council decision making process **benefits from the unencumbered input and advice from the professional staff free from undue influence** in staff decision making, formation of staff recommendations, scheduling of work, and executing department priorities without intervention by individual Council members;

D. Allowing city staff to execute priorities given by management and the City Council and protecting city staff from undue influence from individual Council members." (CMC 12.7.020)

CMC 12.7 clarifies the access to information by individual Councilmembers as well as the City Council.

CMC 12.7.034 Information

"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"

CMC 12.7 also states what happens when the information requested might impact the workload in city operations:

CMC 2.17.043 Timely Response.

"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 work load or policy, which would require that it more appropriately be assigned to staff **through the collective direction of the City Council.**" (CMC 12.7)

It is important that the Council Procedures do not circumvent the established Cupertino Municipal Code (CMC). Rather the Council Procedures could provide more details on how to implement the code. For example,

Suggestion: City Manager put requests which require significant workload on Council agenda so the entire Council can decide with public input

This method complies with the current CMC 12.7 and complies with the intent of the section **"Maintaining control and direction of the City by the City Council as a whole"** and **"Insuring that City Council members have free access to the flow of any information"**.

This statement in the proposed Council Procedures Manual "No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request" gives the impression that the City Manager has the authority in deciding what information the City Council has access to. That conflicts with the intent clearly stated in CMC 12.7.

That statement above is also in conflict with the intent stated in the [California Brown Act](#), the well-

known open meeting or sunshine law:

Government Code 54950

"The people of this State do not yield their sovereignty to the agencies which serve them. **The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.** The people insist on remaining informed so that they may retain control over the instruments they have created."

Similarly, the Council (elected by the people), in delegating authority to the City Manager, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

I hope that Cupertino does not create a precedence in violating the public trust.

Thank you.

Liang



Liang Chao

Vice Mayor
City Council
LiangChao@cupertino.org
408-777-3192



From: [Lisa Warren](#)
To: [City Clerk](#); [City Council](#)
Subject: Comments for Item 1 of CC Special Meeting Jan 25, 2023 ATTACHED
Date: Wednesday, January 25, 2023 2:31:18 PM
Attachments: [Lisa COMMENTS for CC spcl mtg Jan 25 2023 Item 1 CC Procedure Manual.docx](#)

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Please see attached document for my comments on this item

Lisa Warren

Section	Edit / Comment	Reason
1.0 Introduction	<p>Support Council Member Chao’s suggestion to add a section :</p> <p>“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.”</p>	
2.1 Selection of Mayor and Vice Mayor	<p>Consider deleting the sentence:</p> <p>“The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding the office of Mayor”</p>	
2.2 Removal of Mayor or Vice Mayor	<p>Support Chao and Mohan to add to section.</p> <p>“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, or (c) abuse of illegal drugs or other controlled substances or habitual intoxication. 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.”</p> <p>ALSO</p> <p>ADD language to clarify that if Mayor or Vice Mayor is removed from ‘office’, they will remain on City Council.</p>	<p>At least provides some definition to ‘cause’ for removal.</p> <p>Clarification that elected council members will remain on City Council was verbalized and needs to be included in this manual.</p>

<p>3.1 Appointment</p>	<p>Support Moore’s revision.</p> <p>“The Mayor shall appoint Councilmembers to standing committees and all Councilmembers may nominate any Councilmember to ad hoc committees and subcommittees established by the City Council, with consideration of Councilmember preference, equitable distribution, seniority, experience, and benefit to the committee, subject to 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.”</p>	<p>The community will be better served with this language</p>
<p>4.2 Attendance at Council Meetings (commissions and committees)</p>	<p>Support Moore’s revision.</p> <p>“At least one commission member, preferably the Chair or Vice Chair, 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 questions.”</p>	<p>Fellow commission/committee members have chosen these members to represent them.</p>
<p>4.4 Appointment (commissions and committees)</p>	<p>DELETE last sentence.</p> <p>“Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.”</p> <p>IF not deleted – then Do NOT change draft language in the sentence from ‘for appointment to’ to ‘service on’.</p> <p>Also - SUPPORT Moore’s revision to add to the 4.4 (continued on next page)</p>	<p>The existence of the drafted sentence is inappropriate for numerous reasons. The public has named some already.</p> <p>It is way out of line to eliminate the ability of any interested and engaged resident to be forbidden from applying for, or serving on a commission or committee, or to be unjustly removed from a commission or committee that they are currently serving on.</p>

	<p>“Commissioners and committee members shall not be employees of the City or companies which the City contracts with, or employees of subcontracted companies.”</p> <p>AND would revise ‘employees’ to read ‘employees, principles and board members’.</p>	<p>Opening for ‘undue influence’ from ‘outside interest’.</p> <p>‘Ex Parte’ issues.</p>
4.6 Undue Influence on Commissioners.	<p>At a <u>minimum</u>, SUPPORT Moore’s input to DELETE the last sentence.</p> <p>“Individual Councilmembers and commissioners shall have the right to attend meetings of commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations.”</p>	<p>No one should be required to refraining from speaking or becoming involved. Full transparency of what capacity a person is speaking as should be expected.</p> <p>Freedom of speech.</p>
5.1 Attendance	<p>Add to second sentence to include ‘on time’.</p> <p>“Councilmembers shall make a good faith effort to attend, on time, all such meetings.”</p> <p>Consider Support of Moore’s revision to add : “Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if three or more meetings are missed.”</p>	
5.2 Correspondence	<p>Support Moore’s revision to add</p> <p>“Official correspondence from any member of Council shall be provided to all members of Council.”</p>	<p>Need for transparency and inclusion.</p>
5.4 Response to Public	<p>Question: How does the public follow up on their own behalf ?</p>	<p>This is important to answer.</p>

5.7 Council Training	Agree with Fruen’s comment which is already addressed in Staff Recommendation.	
6.4 Individual Councilmembers Influence on Staff Decisions Prohibited.	Revise to ADD language that indicates Staff be required to report violations	
6.6 Councilmember Access to Information.	<p>Support Moore’s revision to delete “No Councilmember shall circumvent the City Manager’s direction regarding a request for information by seeking information through a Public Records Act request.”</p> <p>Do NOT support Wei’s revision</p>	Restricts rights.
7.1 Future Agenda Items	<p>Support Multiple Councilmembers (Moore, Mohan) Revision to Delete. “Any item may be removed for the future agenda items list by a majority vote of the City Council.”</p>	
7.4 Staff Reports	<p>Correct numbering of list and Add item to list: “History and Background (if applicable)”</p>	
7.6 Supplemental Materials	<p>Is there a need to add timing for Special Meetings that can be scheduled for any day of the week?</p> <p>ALSO Support Chao’s comment to add paragraph</p> <p>“Questions and all staff-prepared responses will be forwarded to all Councilmembers as well as put up on the special web page created for public review of Council agenda questions and staff responses. Staff will include the name of the (cont)</p>	

	<p>Councilmember posing the questions in the 'subject' field of the e-mail response. Written copies of all Councilmember agenda questions and staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public.”</p>	
<p>8.5.1 (now 8.4.1) Consent Calendar</p>	<p>Do NOT agree with last sentence.</p> <p>“Items may be removed from the consent calendar only by a member of the City Council. “</p> <p>Adopt Moore’s revision, and if not, then Adopt Wei’s comment</p>	<p>Suppressing public comment.</p> <p>Does not fall under title of Adding</p>
<p>Ran out of time...</p>		

AGENDA item 2

To: 'City Council' <CityC...@cupertino.org>

Cc: 'City Clerk' <City...@cupertino.org>

Subject: 2023-01-25 City Council Study Session Item2 - Consolidation/elimination of Commissions and Committees

Please include this email and the corresponding attachment as part of Written Communication for the 1-25-2023 City Council Study Session, Agenda Item #2 Consolidation/elimination of commissions/committees.

Dear City Council and Staff,

I understand the desire to reduce the amount of staff time needed to support Commissions and Committees but I think there must be a sweet spot where you can accomplish this without losing much needed functionality.

In reading the 1-17-2023 Staff Report and the 1-25-2023 Supplemental Staff Report, I had trouble visualizing exactly what was being done so I, with the help of a friend, created the attached document that summarizes what the Staff Report says using lists.

In doing so, I am concerned about the following:

1. **All sub-committees** – agree, delete them all. The 7 that are no longer active have completed their tasks and done a wonderful job! The others can be absorbed by various departments.
2. **Environmental Review Committee** – This committee has a critical job to protect the current and future people who live and work in Cupertino by reviewing all discretionary projects (that aren't exempt) for evaluation under CEQA. The members of this committee were actually trained so they were familiar with the issues.
 1. As more commercial sites get converted or add residential they need to be evaluated to insure the health and safety of future residents are adequately protected. This applies to old gas station sites, old dry cleaner sites and sites nearby them.
 2. Environmental reviews can take time and they should not be stuffed into a packed agenda that encourages the items to be passed "on consent" or rushed! They need to be reviewed thoroughly by committee members that are familiar with the material, who have other items on the agenda to focus on.
 3. If it takes 80 hours annually so be it, if it will protect the current and future health and safety of construction workers and members of the public. It also protects the city against future lawsuits from health issues that arise due to exposure to contaminants.
 4. REQUEST: Keep the Environmental Review Committee and make sure the new members are trained regarding CEQA.
3. **Design Review Committee** - The Staff Report is misleading. On page 1 in the bulleted list, it says the Planning Commission will include "functions that were previously designated for Design Review Committee and Environmental Review Committee" but then on Page 5 Paragraph 2 it says "...assigned to the Planning Commission or to Council as appropriate."
 1. Which is it? What exact functions fall under the Planning Commission and which fall under the Council?

2. This is vague and makes it sound like it can be arbitrarily “adjusted” to one or the other based on a desired vote.
 3. The functions of commissions need to be clear – not wishy washy.
 4. REQUEST: If you’re going to consolidate the DRC, give all the functionality to the Planning Commission.
4. **Legislative Review Committee** – It uses 400 hours of staff time annually. This is critical work. The city needs to keep up with the continually changing laws and proposed laws impacting our city and its residents/businesses. The city needs to be pro-active and the way to do that is to have a committee focused on just this! Cupertino needs to actively stay engaged.
1. The 1-17-2023 Staff Report (page 5, paragraph 2) says it’s functionality “...would be addressed by the Council as necessary” BUT the Council is trying to reduce it’s hours. It’s priority is not this!
 2. The “as necessary” will default to nothing being done.
 3. REQUEST: Keep the Legislative Review Committee.
5. **Economic Development Committee** – The 1-17-2023 Staff Report says it will be assigned to Council “as necessary”. The reason this is a codified committee is because for YEARS its meetings were going on without a lot of public visibility. It was a privileged meeting between city staff and the Chamber. They were given information before the public had access to it!
1. Please do not go back to this less than transparent way of handling these meetings.
 2. REQUEST: Keep the Economic Development Committee. If you don’t, have the meetings be part of a REGULAR city council meeting so it’s available to the public.

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: REVISED...2023-01-25 City Council Agenda Item1 - Council Procedures Manual
Date: Wednesday, January 25, 2023 2:12:10 PM

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REVISED TO ADD: Removal of limit on the public to a max of 10 minutes total.

Dear Mayor Wei, Vice Mayor Mohan and Councilmembers,

I've sent many emails regarding my concerns on specific sections of this City Council Procedures Manual. I do believe establishing rules in writing is a good thing if they do not hinder a person's rights or the ability of both the government and the people to have a transparent exchange of information.

In response to this DRAFT2 of the manual, PLEASE make these key changes (NOTE sections refer to the DRAFT2, not the clean version):

1. **DO NOT adopt this procedure manual at today's Study Session!** Direct staff to make whatever changes and have it presented to the public at a regularly scheduled City Council meeting. This was the Jan. 17, 2023 motion you all voted on. Passing it today, at a Study Session, will add to the mistrust that I building.
2. **SECTION 4.4 Appointment – Last sentence** – Leave the wording as “Former Councilmembers are not eligible for appointment...”.
 - a. The proposed change to “serving on” is a direct attempt to remove Commissioner Scharf from the Planning Commission in order to pack the commission. The combination of this action with the purging of the Environmental Review Committee and the Design Review Committee into the Planning Commission is a move to prepare the Planning Commission to make the desired decisions on some upcoming projects. The optics do not look well!
 - b. Also, new Councils have always allowed commissioners to serve out their terms! Don't change that!
3. **SECTION 6.6 – Councilmember Access to Information** – **Do a compromise-REWORD IT!**
DELETE the last sentence restricting a councilmembers ability to do a Public Records Act request. If a councilmember feels they need to do this, something is wrong with the system.
SUGGESTED REWORDING OF LAST SENTENCE:
 - a. “If a councilmember feels they are not being given the requested information in a timely manner, before resorting to a Public Records Act request, they should meet with the Mayor, City Manager and City Attorney to discuss the situation.”
 - b. This allows the staff to address the problem first BUT also does not restrict the

- councilmembers ability under the California Constitution.
- c. This is a compromise!
4. **SECTION 7.1 Future Agenda Items** – DELETE the last sentence allowing a majority of Councilmembers to remove future agenda items.
- a. **Compromise!** Reword it to allow whoever put the item on the agenda to remove it if it's no longer needed.
5. **SECTION 8.4 Order of Business** –
- a. DEFINE what goes in the different sections by adding a Glossary. Particularly, define what's in the following sections:
- i. CONSENT CALENDAR
 - ii. PUBLIC HEARINGS
 - iii. ACTION CALENDAR
- b. DEFINE what can and can't be done in a STUDY SESSION.
- c. ORAL COMMUNICATIONS – change the sentence below the list of items to say “Additional speakers... WILL (not may) be given time...at the end of the agenda.”
- i. You want people to participate. If they take the time to attend to speak, let them speak!
6. **SECTION 8.5 Consent Calendar** – Define exactly what can be placed under Consent.
7. **SECTION 8.5.1 Adding Item to Consent Calendar** – DELETE the 2nd sentence that allows “any item to be placed on the Consent Calendar” during the meeting.
- a. This is asking for trouble if the public has gone out of their way to attend a meeting to speak on that item and it then suddenly, they no longer can have that item discussed in public – it is restricting information.
8. **SECTION 8.5.2 Removing Item from Consent Calendar** – DELETE this section. If the use of Consent Calendar is not abused, this normally is not a problem. Packing an agenda then stuffing all the items under Consent IS a problem so the combination of defining what can and cannot be placed under Consent will help reduce the need to pull items.
- a. **Compromise!** IF you absolutely need to restrict this, allow BOTH the Public and Councilmembers the ability to pull in advance of the meeting BUT also allow Councilmembers to pull any item during the meeting.
9. **SECTION 8.6 Public Comment** – Allow any number of people to combine their time up to a maximum of 10 minutes. Define how it's done for 2 people, 3 people, 4 people, 5 people up to 10 minutes.
- a. This allows people who do not speak in public or are not fluent the opportunity to express their opinions.
10. **SECTION 8.6 Public Comment** – REMOVE the maximum 10 minute time limit for any one person to comment during a meeting.

We've heard the Council will strive to "work together". Prove it! These rules apply to everyone.
Please make it fair for everyone!

Sincerely,
Peggy Griffin

From: [Tessa Parish](#)
To: [Christopher Jensen](#); [Pamela Wu](#); [City Clerk](#); [City Council](#)
Subject: Comments & Suggestions for Special Meeting 1/25
Date: Wednesday, January 25, 2023 1:39:04 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Manager, City Attorney & Council,

Regarding the CCCCPM Draft scheduled for 1/25 @ 4pm

Madam City Clerk, please add to public comments.

2.2 Removal of Mayor and Vice Mayor:

Please consider replacing the "from office" to "from the role" or "from the office of the Mayor" Some could argue that removal from office is removal from City Council.

Please consider the following to be added right after due cause:

I would like to suggest the following: **Due Cause is defined as repeated violations of known policies, repeated negligence of duty, crimes or felonies for which they can be convicted. Mayor or Vice Mayor in violation of such offenses will have been made aware of such violations and warned at least twice, after the first violation put on probation and if repeated would be given 72 hours notice of removal. In the case of a felony no warning would be necessary.**

4.4 Appointment

" Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council."

I believe that a member of the public that has previously served is better qualified to serve in a commission or committee. In addition to being better qualified, there are times when few apply to commissions or few are available for committees, to limit who serves on these very important commissions/committees would not serve the city well.

I believe the city is better served without this limitation. If there is another problem that is being addressed perhaps it could be addressed more specifically. For example: if there is evidence that the commissioner is not serving for the good of the people or violating policies, rules or duties, then that could be addressed separately.

Anyone of the public should have the right to serve on a public commission or committee. This seems to be an irregular solution.

6.6 Councilmember access to information

I believe this violates the rights of ANY individual to obtain information:

"No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request."

Instead I suggest the following:

If there are special request from a Council member, committee member necessary for a timely research and the Council member/committee member is not being given the information within the time necessary to perform a job for a scheduled event or for a timely process, the council member can write a "Job endangerment report" to the City Manager alerting him/her of the situation and giving him/her time to obtain said information. If the information is STILL not being provided in a timely manner and the Council member feels it necessary to resort to Public Records Act request in order to do their job in the time necessary, they will have the right to do so and will be protected under the Public Record Act request. All while in communication with the City Manager.

(I feel this would protect both the staff and Council as both are just trying to do their job)

7. 7.1

This verbiage could be used to silence the minority and a duly added item to the agenda.

"Any item may be removed for the future agenda items list by a majority vote of the City Council."

Suggest:

Any item may be removed for the future agenda items list by a majority vote of the City Council **unless it was an item voted on by the 2 Council members and fully addressed so as to avoid silencing the minority, if need be open it to public comment for a decision if the item seems to be frivolous.**

8.5

Again this would/could be used to silence the minority of an elected official.

"In addition, any item may be placed on the consent calendar by a majority vote of the City Council."

I believe ANY council member has the right and duty to pull an item from the Consent calendar if there are pending actions, missing information or items not yet addressed to the satisfaction of the member. Please don't forget these are elected officials that are acting on behalf of the public. What if they were contacted by members of the public to address the item more specifically? If the council thinks the item frivolous, the again, it can be addressed more specifically.

re: " Items may be removed from the consent calendar only by a member of the City Council."

This takes away the right of the public to hear more on an item. While the public should have requested more routine questions prior to the meeting, if the public feels it necessary to pull an item for transparency and more deliberation, this would severely limit it.

Suggest:

Items may be removed from the consent calendar only by a member of the City Council and public, but the Mayor or Majority of the Council could choose to delegate the item for the next meeting, if time is insufficient time to address the item and with the approval of the public. (in this way we do not remove public rights to hearing-if they cannot return at a later time)

Lastly I'd like to suggest that you define a study session and add to the procedure manual the following:

Study Session: No action will be taken during a "study session" since it is assumed that after deliberations the public would have to be duly notified of final proposal in a public hearing through regular Meeting and process wherein the public are able to comment and their concerns addressed.

You all have a very important role in making the city function but please don't forget it is for the people. We all have to have our rights and boundaries. Let's keep them ALL clear.

Tessa Parish

From: Liang Chao <LiangChao@cupertino.org>
Sent: Tuesday, January 17, 2023 11:53 AM
To: Pamela Wu <PamelaW@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Subject: Colleagues memo - from Palo Alto Council procedures

Here is another good practice to consider from Palo Alto's council procedures: Colleagues Memo

Any two Councilmembers could co-author a Colleagues memo, which is often a one-page description of a problem and a proposed solution or policy direction or consideration.

As long as the memo is submitted 3 days before the agenda is published, the memo is put on the agenda for consideration. The Council can discuss and decide whether to put the matter on a future agenda for the staff to look deeper or not take any action.

This might be a good way to propose a future agenda item.

Here is an example memo: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12347.pdf>

Here is Palo Alto's Council procedure:
<https://www.cityofpaloalto.org/files/assets/public/city-clerk/city-charterprocedures/02-01-20-adopted-council-protocols-and-procedures-manual.pdf>

Liang



Liang Chao
Council Member
City Council
LiangChao@cupertino.org
408-777-3192



From: [Liang Chao](#)
To: [City Clerk](#)
Subject: Fw: Comments on the Council Procedures Manual
Date: Wednesday, January 25, 2023 3:27:01 PM

Please include the full comment in the attachment sent to the City Manager in the written communication of the 1/25 council agenda for item 1.

I gave the rationale and source documents of the added languages and they are lost in the redlined version on the agenda today.

Thanks.



Liang Chao
Vice Mayor
City Council
LiangChao@cupertino.org
408-777-3192



From: Liang Chao
Sent: Wednesday, January 18, 2023 5:32 PM
To: Pamela Wu <PamelaW@cupertino.org>; Christopher Jensen <ChristopherJ@cupertino.org>
Subject: Comments on the Council Procedures Manual

 [v1 - Liang's Comment on Council Procedures Manual.pdf](#)

I tried to be more specific and provide suggestions.

But it's taking a lot of time and I have not gone through the entire manual yet...

Here is the first cut.



Liang Chao
Vice Mayor
City Council
LiangChao@cupertino.org
408-777-3192



Liang's Comment on Council Procedures Manual

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Comment 1: Introduction

1. Introduction

1.1 Purpose. The purpose of this Manual is to promote communication, understanding, fairness, and trust among **the members of the City Council, City staff, and members of the public** concerning their roles, responsibilities, and expectations for management of the business of the City of Cupertino.

1.2 Values. Courtesy and respect for individual points of view should be practiced at all times. All Councilmembers shall respect each other's right to disagree. All Councilmembers shall act with decorum and courtesy.

1.3 Brown Act. All actions of the City Council and City commissions, committees, and subcommittees shall comply with the Ralph M. Brown Act.

[ADD] 1.2 Principal. 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.

[This principal should be 1.2 before "Value" and "Brown Act")

Comment 2: Removal for Cause

2.2 Removal of Mayor and Vice Mayor. The Mayor or Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members.

[Comment] Under the current culture of cancellation, we have seen multiple cases where a well-respected and competent person could be removed from a position over a social media post due to differences in political ideologies. We have seen in-fighting in some City Council due to political differences in order to gain the majority. It is important to clarify that the "Cause" for removal must be related to the duty of the City Council.

[Comment] With the prevalence of social media, rumors and misinformation have been repeated often to be perceived as truth. Any action of removal must provide a due process so that the evidence could be verified through cross examinations.

The following definition of "Cause" is based on <https://www.lawinsider.com/dictionary/removal-for-cause>.

[ADD] Removal for "Cause" shall mean removal of a council member 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, or (c) abuse of illegal drugs or other controlled substances or habitual intoxication.

Comment 3: Warning before Removal with Cause

[ADD] The removal should precede with a formal warning, which states with proven evidence of the member's failure to perform their duties and proposed corrective measures.

Comment 4: Formation and Appointment of Ad Hoc Committee

3.1 Appointment. ~~The Mayor shall appoint Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to 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.

[Comment]: This opens the door for the Mayor to communicate with more than one Councilmembers in order to make such appointments. And such discussion could include substantive discussions. This also gives the Mayor authority over other Councilmembers, which has no precedence in Cupertino.

Some suggestions below come from Palo Alto Council procedures.

[EDITED] 3.1 Creation and Appointment. 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.

- 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, which has a continuing or indefinite jurisdiction are subject to the Brown Act.

Comment 5: Improve the titles of Section 3 and 4: between Councilmember appointed to committees and appointment of non-councilmembers to committee/commissions

3. Councilmember Committees and Subcommittees

4 Other City Commissions and Committees

[Comment]: Please specify what's the difference between Section 3 and 4?

Comment 6: Undue influence by former Councilmembers and former Commissioners

4.4: ... ~~Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.~~

[Comment] In fact, as an appointed commissioner, a former Councilmember does not have more access to information nor influence than any other commissioner as their conduct is already regulated by the Commission Handbook.

Cupertino has seen undue influence by former Councilmembers and former Commissioners through city staff since these former Councilmembers and Commissioners have established a good relationship with some city staff members. They can call the city staff up to request

anything outside of the public's knowledge or through in-person communications. The content of such communication is not on the public record.

{ADDITION] The city staff should report communications from former Councilmembers and former Commissioners on issues related to the City's business through phone calls or in-person communications.

Comment 7: City Council to remove Commissioners, not the City Clerk

4.5 Removal. ~~The City Clerk shall remove commission or committee members for~~ failure to comply with attendance policies adopted in the Commission and Committee Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.

[Comment]: The Council appoints commission members. The Council should be the body which removes any commission member, not the City Clerk. The Clerk's responsibility should be for record keeping, as stated in the Muni Code. After the removal of the Commission, the Council must taken action at a Council meeting to appoint a new member, even though alternate members were identified earlier.

[EDIT]: 4.5 Removal. The City Clerk shall inform the City Council to consider the removal of commission or committee members for failure to comply with attendance policies adopted in the Commission and Committee Handbook.

Comment 8: Commission Recommendations and Comments

[ADDITION] 4.7 On every item within the jurisdiction of a Commission, the staff liaison shall work with the Commission Chair to schedule the item to receive inputs and seek recommendations from the Commission, as time permits. The staff report at the Council meeting shall include Commission inputs and recommendations. Rationale should be given when Commission inputs are not available for an item within their jurisdiction.

Comment 9: All Council Members should make decisions with the same information from Staff on agendized or soon-to-be agendized items

[Comment]: [Direct quotes from Palo Alto Council Procedures:](#)

[ADDITION] "In order to facilitate open government, all Council Members should make decisions with the same information from Staff on agendized or soon-to-be agendized items (i.e. items on the tentative agenda or in a Council Committee)"

"Questions and all Staff-prepared responses will be forwarded to all Council Members as well as put up on the special web page created for public review of Council agenda questions and Staff responses. Staff will include the name of the Council Member posing the questions in the "subject" field of the e-mail response."

"Written copies of all Council Member agenda questions and Staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public."

Comment 10: Respect the Role of Council Members as Policy Makers for the City

[Comment]: [Direct quotes from Palo Alto Council Procedures:](#)

[ADDITION]: "**Respect the Role of Council Members as Policy Makers for the City.**

Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. **Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives"**

Comment 11: Define Study Session as an item without a formal not council action

[Comment]: [Direct quotes from Palo Alto Council Procedures](#)

[ADDITION] "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."

From: [Jenny Griffin](#)
To: [City Council](#); [City Clerk](#)
Cc: grenna5000@yahoo.com
Subject: City Council Manual and Commission/Committee Reorg
Date: Thursday, January 26, 2023 8:16:02 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council:

I am very concerned that a troubling pattern is developing. For some reason in 2023 the New City Council wants to start changing everything about the way the City Council runs. It seems people are unhappy with the way our city has run for 22 or more years. All the good work that our city has done in the past is being disrespected and cast aside all in one month to try to produce a set of documents that seem to have the sole purpose of restricting the public's ability to interact and voice their opinions with their elected officials.

Also, now long standing committees and commissions are being torn apart with little or no public input all in one month. This is again a disrespect to the long standing Democratic history of Cupertino and a disrespect for the public.

Why is this being done? All in one month? Why the hurry? What is the great need to completely destroy the City Council and its workings all in one month? Is there some greater agenda going on here? Is there some group no one knows about demanding that Cupertino change in some way?

No one in 22 years or more has seen this much "change" being rammed through in two nights. Again, why the hurry? Your discourse is with the public. By hurrying the public or hindering the public's ability to voice their opinions during this "change" you are saying that you do not want and do not value the public's input when they sense something is happening that makes them uneasy. That is what is happening now.

The public is telling you now that they are uneasy and having grave doubts about all these hurried and rushed "changes". They know something is wrong.

I consider the attempts to limit public input during oral communications to be enough of a red flag. Now the attempts to not allow the public to pull items from the Consent Calendar is a true warning sign that something is very wrong with these hurried "changes".

The public was taught how to speak in their City on oral communications and how to pull items from the Consent Calendar for generations before this new city council appeared and tried to start taking away those vehicles of communication from the Cupertino public all in one month.

Things don't happen in Cupertino unless they are discussed. I learned that early on in my discourse with previous city councils and previous groups of the public. That is the Cupertino way.

If the new City Council has a problem with the Cupertino "way", then they need to tell the public now. Cupertino's way is the path of true democracy and if anyone on the City Council wants to change that all in one month or one or two nights, then they do not truly understand what democracy is or at least Cupertino's reality of what democracy is.

Sincerely,

Jennifer Griffin

From: [Tessa Parish](#)
To: [City Clerk](#)
Subject: Re: Addition to comments
Date: Wednesday, January 25, 2023 4:53:28 PM
Attachments: [image013.png](#)
[image015.png](#)
[image010.png](#)
[image016.png](#)
[image011.png](#)
[image012.png](#)
[image009.png](#)
[image014.png](#)

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Madam city clerk,

I came in a little late, were my comments read before the in person comments?

Thank you,

Tessa Parish

On Wed, Jan 25, 2023 at 3:00 PM Lauren Sapudar <LaurenS@cupertino.org> wrote:

Hello Tessa (City Council Bcc'd),

Your comments have been received and will be included with the written communications for Item 1 on the January 25 City Council agenda.

Regards,



Lauren Sapudar
Deputy City Clerk
City Manager's Office
LaurenS@cupertino.org
(408) 777-1312



From: Tessa Parish <tessa@parishrealestategroup.com>
Sent: Wednesday, January 25, 2023 2:55 PM
To: Christopher Jensen <ChristopherJ@cupertino.org>; City Clerk <CityClerk@cupertino.org>; Pamela Wu <PamelaW@cupertino.org>; City Council <CityCouncil@cupertino.org>
Subject: Addition to comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

if the council does decide to pass the item about former council members, not serving please specify that it does not affect sitting commissioners in the resolution for clarity--

Tessa Parish
DRE#01158499
RHM Realty
www.ParishRealEstateGroup.com
408.396.8377

--

Tessa Parish
DRE#01158499
RHM Realty
www.ParishRealEstateGroup.com
408.396.8377

CC 1-25-23

Item No. 2

Study Session to
consider modifying
Municipal Code Title 2
regarding compositions
and responsibilities of
existing Commissions
and Committees

Written Communications

From: [Peggy Griffin](#)
To: [City Council](#)
Cc: [City Clerk](#)
Subject: 2023-01-25 City Council Study Session Item2 - Consolidation/elimination of Commissions and Committees
Date: Monday, January 23, 2023 2:41:23 AM
Attachments: [CC Agenda Item 2-Summary of Commission-Committee consolidations.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this email and the corresponding attachment as part of Written Communication for the 1-25-2023 City Council Study Session, Agenda Item #2 Consolidation/elimination of commissions/committees.

Dear City Council and Staff,

I understand the desire to reduce the amount of staff time needed to support Commissions and Committees but I think there must be a sweet spot where you can accomplish this without losing much needed functionality.

In reading the 1-17-2023 Staff Report and the 1-25-2023 Supplemental Staff Report, I had trouble visualizing exactly what was being done so I, with the help of a friend, created the attached document that summarizes what the Staff Report says using lists.

In doing so, I am concerned about the following:

1. **All sub-committees** – agree, delete them all. The 7 that are no longer active have completed their tasks and done a wonderful job! The others can be absorbed by various departments.
2. **Environmental Review Committee** – This committee has a critical job to protect the current and future people who live and work in Cupertino by reviewing all discretionary projects (that aren't exempt) for evaluation under CEQA. The members of this committee were actually trained so they were familiar with the issues.
 - a. As more commercial sites get converted or add residential they need to be evaluated to insure the health and safety of future residents are adequately protected. This applies to old gas station sites, old dry cleaner sites and sites nearby them.
 - b. Environmental reviews can take time and they should not be stuffed into a packed agenda that encourages the items to be passed "on consent" or rushed! They need to be reviewed thoroughly by committee members that are familiar with the material, who have other items on the agenda to focus on.
 - c. If it takes 80 hours annually so be it, if it will protect the current and future health and safety of construction workers and members of the public. It also protects the city against future lawsuits from health issues that arise due to exposure to contaminants.
 - d. REQUEST: Keep the Environmental Review Committee and make sure the new members are trained regarding CEQA.

3. **Design Review Committee** - The Staff Report is misleading. On page 1 in the bulleted list, it says the Planning Commission will include “functions that were previously designated for Design Review Committee and Environmental Review Committee” but then on Page 5 Paragraph 2 it says “...assigned to the Planning Commission or to Council as appropriate.”
 - a. Which is it? What exact functions fall under the Planning Commission and which fall under the Council?
 - b. This is vague and makes it sound like it can be arbitrarily “adjusted” to one or the other based on a desired vote.
 - c. The functions of commissions need to be clear – not wishy washy.
 - d. REQUEST: If you’re going to consolidate the DRC, give all the functionality to the Planning Commission.

4. **Legislative Review Committee** – It uses 400 hours of staff time annually. This is critical work. The city needs to keep up with the continually changing laws and proposed laws impacting our city and its residents/businesses. The city needs to be pro-active and the way to do that is to have a committee focused on just this! Cupertino needs to actively stay engaged.
 - a. The 1-17-2023 Staff Report (page 5, paragraph 2) says it’s functionality “...would be addressed by the Council as necessary” BUT the Council is trying to reduce it’s hours. It’s priority is not this!
 - b. The “as necessary” will default to nothing being done.
 - c. REQUEST: Keep the Legislative Review Committee.

5. **Economic Development Committee** – The 1-17-2023 Staff Report says it will be assigned to Council “as necessary”. The reason this is a codified committee is because for YEARS its meetings were going on without a lot of public visibility. It was a privileged meeting between city staff and the Chamber. They were given information before the public had access to it!
 - a. Please do not go back to this less than transparent way of handling these meetings.
 - b. REQUEST: Keep the Economic Development Committee. If you don’t, have the meetings be part of a REGULAR city council meeting so it’s available to the public.

Sincerely,
Peggy Griffin

Staff recommended Consolidation of Commissions, Committees, Subcommittees

Revised 1/22/2023 based on Supplemental Staff Report

Changes (also see Staff Report)

10 Commissions:

- 1) Arts and Culture
- 2) Bicycle Pedestrian – 240 hrs annually
- 3) Housing – 200 hrs annually
- 4) Library – 350 hrs annually
- 5) Parks & Recreation – 750 hrs annually
- 6) **Planning – 1100 hrs annually; add Design Review (40 hrs) and Environmental Review Committee (80 hrs)**
- 7) Public Safety – 200 hrs annually
- 8) Sustainability – 220 hrs annually
- 9) Teen – 300 hrs annually
- 10) Technology, Information & Communications (TICC) – 120 hrs annually

	OLD	NEW	
	COMMISSIONS		
1	ARTS AND CULTURE	ARTS AND CULTURE	CMC 2.80
2	BICYCLE PEDESTRIAN	BICYCLE PEDESTRIAN	CMC 2.92.080
3	HOUSING	HOUSING	CMC 2.86.100
4	LIBRARY	LIBRARY	CMC 2.68.070
5	PARKS & RECREATION	PARKS & RECREATION	CMC 2.68.070
6	PLANNING	PLANNING	CMC 2.32.070 (INCLUDES FUNCTIONS THAT WERE PREVIOUSLY DESIGNATED FOR DESIGN REVIEW COMMITTEE AND ENVIRONMENTAL REVIEW COMMITTEE)
7	PUBLIC SAFETY	PUBLIC SAFETY	CMC 2.60.070
8	SUSTAINABILITY	SUSTAINABILITY	CMC 2.94.080
9	TEEN	TEEN	CMC 2.95.080
10	TECHNOLOGY, INFORMATION & COMMUNICATION (TICC)	TECHNOLOGY, INFORMATION & COMMUNICATION (TICC)	CMC 2.74.060
	COMMITTEES		
1	ADMINISTRATIVE HEARING	ADMINISTRATIVE HEARING	
2	AUDIT	AUDIT	
3	DESIGN REVIEW	PC OR CITY COUNCIL	CMC 2.90.090 TO BE ASSIGNED TO THE PLANNING COMMISSION OR TO COUNCIL AS APPROPRIATE.
4	DISASTER COUNCIL	DISASTER COUNCIL	CMC 2.40.025
5	ECONOMIC DEVELOPMENT	CITY COUNCIL	CMC 2.96.010 TO BE ADDRESSED BY COUNCIL AS NECESSARY
6	ENVIRONMENTAL REVIEW	PC OR CITY COUNCIL	CMC 2.84.080 TO BE ASSIGNED TO THE PLANNING COMMISSION OR TO COUNCIL AS APPROPRIATE.
*	FISCAL STRATEGIC COMMITTEE	-	
*	HOUSING ELEMENT COMMUNITY ENGAGEMENT	-	
*	LEGISLATIVE REVIEW	CITY COUNCIL	TO BE ADDRESSED BY COUNCIL AS NECESSARY

Committees and staff hours spent: NC=not codified

PROPOSED ACTION: see each committee below

- 1) Administrative Hearing Committee (NC) – 30 hrs annually
- 2) Audit Committee – 230 hrs annually
- 3) **Design Review Committee (add to Planning OR City Council “as appropriate”) – 40 hrs annually**
- 4) Disaster Council – 30 hrs annually

- 5) Economic Development Committee (assigned to Council “as necessary”) – 60 hrs annually
- 6) Environmental Review Committee (add to Planning **OR** City Council “as appropriate”) – 80 hrs annually
- 7) Fiscal Strategic Committee (NC)
- 8) Housing Element Community Engagement Plan (CEP) Committee (assigned to Comm. Dev. Staff)
- 9) Legislative Review Committee (NC) (assigned to Council “as necessary”) – 400 hrs annually
- 10) Sister Cities Committee
 - a. Copertino, Italy
 - b. Toyokawa, Japan
 - c. Hsinchu, Taiwan
 - d. Bhubaneswar, India

See Feb 15, 2022 Staff Report (Comparables ORANGE: Smaller, NAVY: Comparable, RED: Too Big)

	City	#	Population	FTE*	
1	Monte Sereno	3	3,492	7	
2	Los Altos Hills	16	8,300	26	
3	Saratoga	9	31,030	57	
4	Los Altos	15	31,190	95	
5	Los Gatos	9	31,439	90	
6	Campbell	11	42,288	104	
7	Morgan Hill	4	45,742	123	
8	Gilroy	11	58,756	138	
9	Cupertino	17	66,762	198	
10	Palo Alto	14	67,019	711	
11	Mountain View	19	82,272	253	
12	Milpitas	17	84,196	230	
13	Santa Clara	14	128,717	530	
14	Sunnyvale	11	156,503	735	

ALL SUBCOMMITTEES: eliminate giving responsibility to City Manager

I-All sub-committees that are no longer active and have completed their tasks:

PROPOSED ACTION: eliminate

- 1) Audit Expansion subcommittee
- 2) Bidding and contract Process subcommittee
- 3) Bubb Road subcommittee
- 4) City Hall Renovation / Expansion Project subcommittee
- 5) Farmer’s Market subcommittee
- 6) Fiscal Strategic Plan Committee
- 7) Residential Design Standards subcommittee

II-Subcommittees approved by Council but pending councilmember appointments:

PROPOSED ACTION: “...delegate the specific concerns to the City Manager and have staff recommendations brought back for Council’s decision as appropriate.”

- 1) Closed Session Minutes subcommittee
- 2) Legislative Aide selection subcommittee (assign to Admin. Services staff)
- 3) Summer Intern application review subcommittee (assign to Admin. Services staff)
- 4) Homelessness subcommittee (assign to Community Development staff)
- 5) Festival fee waiver subcommittee (assigned to Parks and Recreation staff)

From: [Rhoda Fry](#)
To: [City Clerk](#); [City Council](#)
Subject: City Council Agenda January 25, 2022 STUDY SESSION #2 compositions and responsibilities of existing Commissions and Committees
Date: Wednesday, January 25, 2023 2:26:02 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please post the following for today's study session #1 and #2.

Regarding today's STUDY SESSION –

Timing -

I have looked back several years of City Council Meetings and I have never seen a council meeting that is intended for public participation to begin at 4pm.

Typically special meetings for the public start at 5:30 PM and occasionally 5:00 PM.

Is this what we can expect moving forward? I thought that our City Council encouraged public participation in our city : (.

Can you please share with the community what the intentions are moving forward?

Former Council Members on Commissions -

I am very sad to see Mayor Wei's attempt to remove former Mayor Scharf from the Planning Commission by employing a newly-invented rule that can be overturned at a future date. This appears in the red-lined version of the proposed changes. Planning Commissioners should be removed for cause. Unless and until there is cause to remove Mr. Scharf, he should remain on the commission. Keep in mind that past commissioners and past councilmembers can also have influence on staff even if they are not sitting on a commission. This council is moving into a very dangerous direction by considering the unnecessary removal of a sitting commissioner.

Influence on Staff:

Staff should disclose communications with past commissioners and past councilmembers on agenda items.

Regarding public comment and the 9-minute proposal:

I did not see anything pertaining to the opportunity for the public to have their comments read into the public comment by the City Clerk. Waiting 9 minutes before closing public comment is too long. In the past, people needed to get their cards in by the time staff had

completed their presentation. Now we're at 5 minutes and that is more than sufficient. Also, this allows the mayor the opportunity to reset the allotted time from 3 minutes to 2 minutes if there are a lot of speakers.

There's also a problem about moving oral communications (non-agenda items) to the end of the meeting for in-person attendees. People who call in are given priority. Someone who is there in person who is sent to the end of the meeting, will have to stay on site until the end of the meeting and potentially sit through many items that are not of interest. People who call in on zoom during oral communications should be placed last. Also, the half-hour rule should apply to a half-hour of actual speaker time, not the overhead time of calling the person and not the cumulative allocated time.

I do not see that my comments for #2 have been rolled forward to today's agenda written communications, so I am resending them below. I also think that the public should have the opportunity to review public comment ahead of the meeting.

Thank You Very Much,
Rhoda Fry

From: Rhoda Fry [mailto:fryhouse@earthlink.net]
Sent: Tuesday, January 17, 2023 3:41 PM
To: 'City Clerk' <CityClerk@cupertino.org>; 'citycouncil@cupertino.org' <citycouncil@cupertino.org>
Subject: City Council Agenda January 17, 2022 STUDY SESSION #2 compositions and responsibilities of existing Commissions and Committees

Dear City Council,

Regarding, City Council Agenda January 17, 2022 STUDY SESSION #2
compositions and responsibilities of existing Commissions and Committees

Please retain the Design Review Committee and Environmental Review Committee and Economic Development Committee and Legislative Review Committee

1. Please retain the Design Review Committee and Environmental Review Committee

These committees already do not meet very often and it would be much easier to keep them on standby than to have to re-form them if necessary. The City of Los Altos actually has a Design Review Commission – it isn't even a committee. Don't we want to make Cupertino a better place

to live? The types of people who serve on Design Review are going to be somewhat different from the types of people who serve on the Planning Commission. Someone who serves on Design Review has a narrower focus and specific expertise. The same is true for the Environmental Review Committee. Many of these meetings are already being cancelled – but let’s keep them penciled-in in case they’re needed. Again, specific interest/expertise is required for this work. You might have an architect serve on design review and an environmental specialist serve on the environmental review committee. Members on one would not likely serve on the other. Moreover, having a meeting of people with a specific focus on a specific topic will yield superior results and advice to the planning commission.

2. “Council discontinue all previously formed subcommittees and delegate the areas of concerns to the City Manager to review and research.” This is troubling. It should be up to the City Council to determine whether a subcommittee is needed.
3. The staff is recommending getting rid of Design Review, Economic Development, Environmental Review, and Legislative Review. This is not okay. We have members of the public who can serve on these and can assist the City in providing superior solutions. Please note that the Chamber of Commerce is not a substitute for Economic Development. The Chamber serves its members, many of whom have businesses outside of our City. When people contact the Chamber, the Chamber will provide recommendations to members of their organizations – not non-member businesses within our City. Having seen the presentations on the Economic Development Committee, I thought it was going to be an amazing asset for our community. Similarly, we need a forum under which staff and the community can review the effects of new legislation on our community. Please explain how the City spent 40 hours on the Design Review Committee in 2022? It never met in 2022.

Sincerely,
Rhoda Fry