



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: October 20, 2020

Subject

Minor, cleanup amendments to the Cupertino Municipal Code

Recommended Action

Conduct the first reading of Ordinance No. 20-____: "An Ordinance of the City Council of the City of Cupertino amending Cupertino Municipal Code Section 2.04.010 (concerning regular meetings of the City Council); Section 2.28.040 (concerning powers and duties of the City Manager); Section 8.01.090 (concerning animals in City buildings); Chapter 11.08 (concerning bicycle licensing and registration); and Section 13.04.190 (concerning activities prohibited in City parks)."

Discussion

The City periodically adopts a number of cleanup amendments to the Cupertino Municipal Code to reflect changes in law, provide clarification to the community, and provide for improved customer service and administration of City business.

Attachment A presents the proposed Code changes. The following changes to the Cupertino Municipal Code are recommended:

1. Cancellation of Regular Meeting of the City Council by Majority Vote of the Council

Current Cupertino Municipal Code Section 2.04.010 establishes the schedule of regular meetings of the City Council. The Code does not currently provide for the cancellation of a future Council meeting if, for instance, it is known that a quorum will not be present on that date or if Council has previously decided to cancel the meeting for summer vacations. Currently, if a regular meeting must be canceled, the City Clerk will assign someone to stand outside of Community Hall at 6:45 p.m. on the canceled meeting date, confirm that there is no quorum and adjourn the meeting to the next regular meeting. The proposed amendment would amend the Code to provide that the City Council may cancel a future regular meeting by a vote of a majority of the Council.

2. City Manager's Power to Sign Purchase Orders, Contracts, Conveyances, and Other Instruments

Section 40602 of the state Government Code provides that the mayor shall sign all purchase orders, written contracts and conveyances, and instruments requiring the city seal, unless the City Council authorizes another officer to sign these documents. Gov. Code § 40602(a)-(c). This authorization occurs in several places in the Municipal Code for most documents and by the Council on-a-case by case basis as it takes action on other documents.

For clarity and ease of reference, the proposed amendment would amend the Code to authorize the City Manager to sign all types of documents listed in Government Code Section 40602, or to delegate to another officer such authority to sign, whenever such documents have been approved by the Council for execution by the City Manager or their delegee by ordinance, resolution, motion, minute order, or other appropriate action. The proposed amendment also provides that a Purchasing Officer as provided in the Municipal Code may sign documents that they have authority to approve or award.

3. Service Animals in City Buildings

Current Cupertino Municipal Code Section 8.01.090 prohibits animals in most City-owned or managed buildings, except guide dogs used by persons who are blind or hearing-impaired, or as expressly authorized by the City Manager. The proposed amendment would conform the City Code to the Americans with Disabilities Act, which provides that public entities shall allow individuals with disabilities to be accompanied by "service animals" in all areas of a public entity's facilities where the public is allowed to go. "Service animal" means any dog that is trained to work for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

4. Bicycle Licensing and Registration

In 1987, the City of Cupertino amended Cupertino Municipal Code Chapter 11.08: Bicycles to create the bicycle licensing and registration requirements. This amendment authorized the City Manager to register and issue bicycle licenses with the intent to aid law enforcement in the recovery of lost or stolen bikes.

In Santa Clara County, the cities of Cupertino, Gilroy, Los Altos, Milpitas, and Palo Alto have bicycle licensing and registration requirements in their municipal code. However, none of these cities are actively enforcing the requirements because they are outdated and are no longer being used for the intended purpose of recovering lost or stolen bicycles.

The cities of San Jose, Santa Clara, and Saratoga have repealed their bicycle licensing and registration mandates over the past decade due to a lack of community participation, the fact that fees collected did not cover the cost of administration, and new technology provided an alternative method of meeting the goals of bicycle licensing and registration. Instead, these cities encourage their residents to register their bicycles on free online registries.

The Santa Clara County's Sheriffs Office has said that they have never used a local bicycle registration system during an investigation. Instead they use CalBike¹, a statewide database, which is more efficient.

The proposed amendments would remove the bicycle licensing registration requirement. Instead, the City of Cupertino can encourage residents to utilize the free online bicycle registry.

5. Parks and Recreation Director's Discretion to Allow City-Sponsored Programs During Park Curfew Hours

Current Cupertino Municipal Code Section 13.04.190 prohibits use of City parks during park curfew hours (10 p.m. – 6 a.m.), including overnight camping and vehicle parking. The Code provides that the City Council may designate alternate curfew hours by minute order or resolution. For the past two years (canceled this year, due to the pandemic), the Department of Parks and Recreation has hosted Cupertino Campout, an overnight family camping experience in Creekside Park. The proposed amendment would amend the Code to empower the Director of Parks and Recreation to waive the park curfew, on a park-by-park basis, for Cupertino Campout or other official City programming.

Environmental Review

The proposed ordinance is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. Even if the proposed ordinance were found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

¹ <https://www.calbike.org/register-your-bike/>

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Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – 2020 Code Cleanup Ordinance