



OFFICE OF THE CITY CLERK

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: March 31, 2016

Subject

Election Code section 9212 report relating to proposed Cupertino Citizens' Sensible Growth Initiative entitled, "Initiative amending Cupertino's General Plan to limit redevelopment of the Vallco Shopping District, limit building heights and lot coverages in areas throughout the City, establish new setbacks and building planes on major thoroughfares, and require voter approval for any changes to these provisions" ("CCSGI Initiative"); determination whether to adopt the CCSGI Initiative or place measure on the ballot; and determination regarding ballot arguments and impartial analysis.

Recommended Action

1. Receive the Report on the Impacts of Proposed Initiative and either:
 - a. Adopt the Initiative; or
 - b. Order that the Initiative be placed on the Ballot for the November 8, 2016 General Municipal Election, to be consolidated with the Statewide General Election per the draft resolution; and
2. Consider whether to direct the City Clerk to transmit the Initiative to the City Attorney for preparation of an Impartial Analysis and whether to authorize City Council members, or the Council as a whole, to submit ballot arguments against the Initiative per the draft resolution; and
3. Consider whether to authorize rebuttal arguments for and against the Initiative per the draft resolution.

Discussion

At the City Council's March 1, 2016, meeting, the City Clerk certified that the proponents of the Initiative submitted sufficient signatures to qualify the Initiative for the November 8, 2016 general municipal election. As authorized by the Elections Code, the City Council previously directed City staff to prepare a Report on the impacts of the Initiative and to submit that Report no later than the last date allowed under the

Elections Code, which is March 31, 2016. The requested Report is being submitted to the City Council under separate cover along with this Staff Report. (Attachment A.)

Pursuant to the Elections Code, the Council must now take one of the following two actions:

1. Adopt the Initiative, without alteration, at the March 31, 2016 City Council meeting, or within 10 days thereafter (Elec. Code § 9215(c)); or
2. Order that the Initiative be placed on the ballot for the November 8, 2016, general election. (Elec. Code § 9215(b) & (c)).

Each of these options is discussed in the attached memorandum from the City Attorney's Office. The Council must also decide whether to (1) direct the City elections official to transmit the Initiative to the City Attorney for preparation of an impartial analysis, (2) authorize some or all of its members to submit ballot arguments against the Initiative, and/or (3) provide for rebuttal arguments for and against the Initiative.

Sustainability Impact

No sustainability impact.

Fiscal Impact

The City's next General Municipal Election will be held on November 8, 2016. Staff will not know the actual costs until it is billed for election services. The cost of a consolidated election to include this Initiative is estimated at \$52,900 for the base cost for City Council vacancies (does not include the cost of candidate statement at approximately \$1,900 per statement which is paid for by the candidate), plus an additional \$53,400 for each 6-page measure on the ballot.

Prepared by: Grace Schmidt, City Clerk

Approved for Submission by: David Brandt, City Manager

Attachments:

A – 9212 Report

A-1 – Appendix 1 (Text of proposed Initiative, Title and Summary, Intent to Circulate)

A-2 – Appendix 2 (Section-by-section description and summary of Initiative)

A-3 – Appendix 3 (California Elections Code, Section 9212)

A-4 – Appendix 4 (City Council Resolution No. 16-009 calling for 9212 report)

A-5 – Appendix 5 (9212 Environmental Analysis)

A-6 – Appendix 6 (Memorandum regarding Vallco Initiative 9212 Report)

A-7 – Appendix 7 (Fiscal Analysis Tables)

A-8 – Appendix 8 (Report from Sheriff's Office)

B – Draft resolution calling General Municipal Election for November 8, 2016 for ballot measure

C – Draft resolution providing for Written Arguments and directing City Attorney to Prepare Impartial Analysis

D – Draft resolution providing for filing of Rebuttal Arguments for City Measures submitted at Municipal Elections

E – City Attorney Memorandum for Placing on the Ballot