



CUPERTINO

OFFICE OF THE CITY CLERK

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: July 5, 2016

Subject

Election Code section 9212 report relating to proposed initiative entitled, "Initiative adopting the Vallco Town Center Specific Plan to (1) provide that the Vallco Shopping District Special Area ("Area") contains a mixture of residential, office, retail, civic and education uses; (2) require any development to fund or provide community benefits such as transit, schools, a green roof and recycled water; and (3) grant the property owner initial entitlements to develop in accordance with the Initiative and establish a process for future approvals; and making related amendments to Cupertino's General Plan and Municipal Code" ("Initiative"); determination whether to place measure on the ballot; determination regarding ballot arguments and impartial analysis.

Recommended Action(s)

1. Receive the Report on the Impacts of Proposed Initiative and either:
 - a. Adopt the Initiative; or
 - b. Adopt the draft resolution ordering 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 elections official to transmit the Initiative to the city attorney for preparation of an impartial analysis per the draft resolution; and
3. Consider whether to authorize City Council members, or the Council as a whole, to submit ballot arguments against the Initiative per the draft resolution.

Discussion

At the City Council's June 6, 2016, meeting, the City Clerk certified that the proponents of the above listed Initiative had submitted sufficient signatures to qualify the Initiative for the November 8, 2016 general municipal election. As authorized by the Elections Code, the City Council had 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 July 6, 2016. The requested Report is being submitted to the City Council under separate cover along with this Staff Report.

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

1. Adopt the Initiative, without alteration, at the July 5, 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, and/or (2) authorize some or all of its members to submit ballot arguments against the Initiative.

On March 31, 2016, Council authorized the City Attorney to prepare an impartial analysis and for the Cupertino Citizens' Sensible Growth Initiative (CCSGI) but did not authorize Council nor any of its members to submit ballot arguments against the measure. In addition, Council authorized rebuttal arguments for City measures submitted at City Municipal Elections, so it is unnecessary to revisit rebuttal arguments, unless Council chooses to do so.

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 \$34,000 for the base cost for City Council vacancies plus an additional \$35,350 per ballot measure.

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 without Exhibits, Title & Summary, NOI)
A-2 - Appendix 2 (Section-by-Section description and summary of Initiative)
A-3 - Appendix 3 (CA Elections Code 9212)
A-4 - Appendix 4 (Resolution No. 16-027 calling for Report)
A-5 - Appendix 5 (9212 Environmental Analysis)
A-6 - Appendix 6 (Donation Agreements CUSD & FUHSD)
A-7 - Appendix 7 (Fiscal Analysis tables)
A-8 - Appendix 8 (Project description, EIR, General Plan Policies)
B - Draft Resolution calling election for measure
C - Memorandum to City Council from City Attorney
D - Link to Vallco Town Center Specific Plan Initiative (Large doc may take time to load) <https://s3.amazonaws.com/c-initiatives/Vallco-Initiative-Measure-text.pdf>