



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Thursday, March 31, 2016**

**SPECIAL CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Barry Chang called the Special City Council meeting to order in Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Barry Chang, Vice Mayor Savita Vaidhyanathan, and Council members Darcy Paul, Rod Sinks and Gilbert Wong. Absent: None.

**ORAL COMMUNICATIONS**

Cathy Helgersen talked about possible Oral Communications changes at Council meetings. She distributed written comments.

Phyllis Dickstein requested to allow the Cupertino Citizens Sensible Growth Initiative (CCSGI) group additional time to speak as a group rather than 3 minutes each as individual speakers.

Jon Willey talked about potential traffic issues with the Vallco Hills project. He distributed written comments.

Lisa Warren talked about the EIR for the Vallco Hills project with the Initiative process.

**ORDINANCES AND ACTION ITEMS**

1. Subject: Proposed Initiative submitted by Vicky Tsai and Judy Wilson regarding the Vallco Town Center Specific Plan 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 ("Vallco Initiative") and authorization to prepare a report under Elections Code 9212

Recommended Action: Adopt Resolution No. 16-027 directing City staff to prepare a report on the effects of the Vallco Initiative pursuant to Elections Code Section 9212 and appropriate \$180,000.00 for such purpose

City Manager David Brandt reviewed the staff report and staff answered questions from Council.

The following individuals spoke on this item:

Peggy Griffin

Cathy Helgersen

Lisa Warren

Luke Lang

Ignatius Y. Ding

Steven Scharf

Robert McKibbin on behalf of the Concerned Citizens of Cupertino (CCC)

James Randolph

Fariba Nejat

Qin Pau

Xiaowen Wang (she distributed written comments)

Penny Whittaker

Jennifer Griffin

Liang Chao

Yanping Zhao

Jerry Sheahan

Neil Struthers

Danessa Techmanski

Steve Kelly

Victor Castello

Their comments included: add to the report a list of parameters in the Initiative that can be changed without Council approval; add to the report a list of benefits noting what is enforceable and what's not; fact check the project; traffic concerns; green roof an issue in the drought; initiatives by developers bypass EIR process; circulators are having trouble gathering signatures; residents are distrustful of Council; in favor of the Initiative and the 9212 report; looking forward to new development at Vallco but disappointed in office portion; school crowding concerns; make sure Vallco sticks to what they said they would

build; wish Cupertino still had a Redevelopment Agency; no place to shop for clothing in Cupertino; noted taxable sales of comparable shopping centers; letter of intent between Sand Hill and the Cupertino Union School District; concern with Sand Hill's financial backing; mitigate traffic issues by putting housing in close proximity to Apple and Vallco; unlikely a future developer will take on Vallco development if CCSGI passes.

Wong moved and Paul seconded to adopt Resolution No. 16-027 directing City staff to prepare a report on the effects of the Vallco Initiative pursuant to Elections Code Section 9212 and appropriate \$150,000.00 for such purpose.

Wong amended his motion to appropriate \$180,000.00 and Paul agreed to the amendment. Council also gave direction to staff to find out the date of when the Initiative signatures need to be filed in time for the August 12 deadline to call the election. The motion carried unanimously.

2. 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. Adopt Resolution No. 16-028 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; and 2. Adopt Resolution No. 16-029 considering 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; and 3. Adopt Resolution No. 16-030 considering whether to authorize rebuttal arguments for and against the Initiative

Written communications for this item included a letter from Nielsen Merksamer, a letter from Stuart Flashman, resident emails, redline and clean amended Resolution Nos. 16-028 and 16-029, recommended action slide and a consultant PowerPoint presentation.

City Clerk Grace Schmidt reviewed the staff report.

Perl Perlmutter, attorney specializing in Land Use and Elections Law and Libby Seifel with Seifel Consulting Inc., economist who prepared the 9212 report, reviewed the report via a PowerPoint presentation.

Council asked questions of the consultants and staff.

Kristy Weiss with David J. Powers and Associates who assisted in preparing the environmental analysis portion of the 9212 report answered questions from Council regarding traffic.

The following individuals spoke on this item and minutes note whether in favor or opposed to Cupertino Citizens Sensible Growth Initiative (CCSGI):

Janice Chua (opposed)

Cathy Helgersen (in favor and distributed written comments)

Leslie Chao (opposed)

Cinny Zhuang (opposed)

Peggy Griffin (in favor)

Dennis Whittaker (in favor)

Grace King (opposed)

Namrata Vora on behalf of Mamata Desai (opposed)

Craig Bauheuer (opposed)

Kevin McClelland on behalf of Cupertino Chamber of Commerce (opposed)

Steven Scharf (in favor)

Robert McKibbin on behalf of CCC (in favor)

David Fung (opposed)

Xiaowen Wang (in favor)

Jennifer Griffin (in favor)

Lisa Warren (in favor)

Liang Chao (in favor)

Liana Crabtree (in favor)

Jean Bedord (opposed)

Wengwang Wang (in favor)

Orrin Mahoney (opposed)

Danessa Techmanski (in favor)

Qin Pau (in favor)

Ignatius Y. Ding (in favor)

Herbert Knoesel (opposed)

Michael Zhang (neutral)

Luke Lang (in favor)

Zhuoli Yang (opposed)

Joan Chin (in favor)

Richard Lowenthal (opposed and distributed written comments)

Yanping Zhao (in favor)

Harris Au (in favor)

Hung Wei (opposed)

Richard Abdalah (opposed)

David Gold (opposed)

1. Receive the report on the impacts of the proposed Initiative; and 1b. Adopt Resolution No. 16-028 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.

Wong moved and Sinks seconded to receive the report on the impacts of the proposed Initiative and adopt Resolution No. 16-028 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 with the following amendment to the ballot language: Shall an Initiative Ordinance be adopted amending Cupertino's General Plan to limit redevelopment of the Vallco Shopping District, limit building heights along major mixed-use corridors, establish a 45 feet maximum building height in the neighborhoods, limit lot coverages for large projects, establish new setbacks and building planes on major thoroughfares, and require voter approval for any changes to these provisions? The motion carried unanimously.

2. Adopt Resolution No. 16-029 directing the City Clerk to transmit the Initiative to the City Attorney for preparation of an Impartial Analysis and authorize City Council members, or the Council as a whole, to submit ballot arguments against the Initiative.

Wong moved and Sinks seconded to adopt Resolution No. 16-029 directing the City Clerk to transmit the Initiative to the City Attorney for preparation of an Impartial Analysis and not authorize the City Council members, or the Council as a whole, to submit ballot arguments against the Initiative with the following amendment to the ballot language: Shall an Initiative Ordinance be adopted amending Cupertino's General Plan to limit redevelopment of the Vallco Shopping District, limit building heights along major mixed-use corridors, establish a 45 feet maximum building height in the neighborhoods, limit lot coverages for large projects, establish new

setbacks and building planes on major thoroughfares, and require voter approval for any changes to these provisions? The motion carried unanimously.

3. Adopt Resolution No. 16-030 authorizing rebuttal arguments for and against the Initiative.

Wong moved and Sinks seconded to adopt Resolution No. 16-030 authorizing rebuttal arguments for and against the Initiative. The motion carried unanimously.

## ADJOURNMENT

At 12:20 a.m. on Friday, April 1, Mayor Chang adjourned the meeting.

/s/Grace Schmidt  
Grace Schmidt, City Clerk

Staff reports, backup materials, and items distributed at the City Council meeting are available for review at the City Clerk's Office, 777-3223, and also on the Internet at [www.cupertino.org](http://www.cupertino.org). Click on Agendas & Minutes, then click on the appropriate Packet.

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