



City Council Agenda Item

City Council Meeting Date: August 6, 2024

TO: Honorable Mayor and City Council Members

FROM: Jeff Malawy, City Attorney
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SUBJECT: Adoption of Resolution No. 6694(24) Withdrawing the City-Initiated Ballot Measure, Entitled the Ken Adam Park Measure (Ordinance 1709(24)), from the General Municipal Election to be Held on November 5, 2024, and Leaving the Separate Citizen-Initiated Measure to Remain on the November 5, 2024, Ballot

Recommendation:

Staff recommends the City Council decide whether to adopt Resolution No. 6694(24) (Attachment 1) to withdraw the City-Initiated Ballot Measure, entitled the Ken Adam Park Measure (Ordinance 1709(24)), from the General Municipal Election to be held on November 5, 2024, and leaving the separate Citizen-Initiated Measure to remain on the November 5, 2024, ballot.

Background:

The City owns an approximately 82-acre parcel (APN 095-070-008) generally located south of Hancock Drive and west of Highway 1 (the Site), which contains open space and recreational uses and the area operated as a public park named Ken Adam Park.

The City acquired the Site from the federal government in 1984. The deed from the federal government specified restrictions on usage of the Site. An amended deed was recorded on June 8, 1999, amending the usage restrictions, which remain today and limit the Site to be used for educational and recreational purposes, for open space, or for both.

The City currently operates Ken Adam Park on the Site. Ken Adam Park features a large group picnic area, a children's playground, individual picnic areas, a nature trail, horseshoes, a flag monument, and restroom facilities.

On May 21, 2024, the City Council approved a Lease and Disposition and Development Agreement (Lease/DDA) with Pale Blue Dot Ventures, Inc. (Pale Blue Dot), setting terms and requirements for a possible sale and development of the Site for a potential space-themed educational and recreational development. No entitlement applications for any development project have been filed at this point, nor has any sale been finalized.

August 6, 2024

Withdrawal of City-Initiated Ken Adam Park Ballot Measure

Page 2 of 3

In order for any land operated as a public park to be sold and/or considered for a new, non-public-park use, state law requires voter approval of discontinuance of the public park use. (Government Code 38440 et seq.)

On May 21, 2024, the City Council voted to submit a City-initiated ballot measure to the voters at the November 5, 2024, General Municipal Election which would discontinue the public park use of the Site in order to allow other educational and recreational uses or other open space uses, or both, to be considered for establishment on the Site, including a possible sale to Pale Blue Dot Ventures Inc. for a proposed space-themed educational and recreational development (City Measure) (Attachment 2).

During the same time period, proponents were circulating a citizen-initiated ballot measure for signatures within the community (Citizen Measure) (Attachment 3). Like the City Measure, the Citizen Measure would discontinue the public park use of the Site in order to allow for other educational and recreational uses and/or open space uses, including a potential sale of the Site for a space-themed educational center.

On July 2, 2024, the City Council received certification from the City Clerk that the Citizen Measure obtained sufficient signatures, and the Citizen Measure was therefore placed on the November 5, 2024, election ballot as legally required.

Discussion:

At its July 16, 2024, meeting, the City Council decided not to withdraw the City Measure from the November election ballot, leaving both the City Measure and the Citizen Measure on the ballot.

In the weeks since the July 16 meeting, three Councilmembers (Ball, Starbuck, and Vega) contacted City Staff to request a special meeting on August 6, 2024, to hold another agenda item to again consider withdrawal of the City Measure. The Brown Act allows three council members to call a special meeting. (Government Code 54956(a).) The deadline for withdrawal of the City Measure is August 14, 2024.

Rather than hold a separate special meeting, the City Manager elected to instead place the agenda item on the regular City Council meeting agenda for August 6, given it is on the same day.

The City Council may decide to withdraw the City Measure from the November ballot, or leave both the City Measure and the Citizen Measure on the ballot.

At the July 2, 2024, City Council meeting, the City Council directed staff to contact Pale Blue Dot to obtain its opinion on whether to withdraw the City Measure. Pale Blue Dot has indicated it prefers the City withdraw the City Measure to avoid voter confusion. (Attachment 4.)

August 6, 2024

Withdrawal of City-Initiated Ken Adam Park Ballot Measure

Page 3 of 3

Fiscal Impact:

All costs to place the Citizen Measure and City Measure on the November 2024 election ballot and to conduct the elections, and all costs to withdraw the City Measure, will be reimbursed to the City by Pale Blue Dot, Inc., pursuant to parties' reimbursement agreement.

Environmental Review:

Withdrawal of the City Measure is not a project for purposes of the California Environmental Quality Act. Environmental review is not required.

Conclusion:

Resolution No. 6694(24) would withdraw the City Measure. Alternatively, if the City Council wishes to leave both measures on the ballot, there is no legal problem with that.

Respectfully submitted,



Jeff Malawy, City Attorney

- Attachments: 1) Resolution No. 6694(24) Withdrawing the City Measure
2) City Measure – Ordinance No. 1709(24)
3) Citizen Measure
4) Request for Withdrawal of City-Initiated Ballot Measure