

CITY OF CARLSBAD - AGENDA BILL

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[Handwritten signatures and initials]

AB# <u>18,315</u>	TITLE: PROPOSITION C OPEN SPACE AND TRAILS AD HOC CITIZENS ADVISORY COMMITTEE	DEPT. HD. <u>[Signature]</u>
MTG. <u>10/18/05</u>		CITY ATTY. <u>[Signature]</u>
DEPT. <u>PLN</u>		CITY MGR <u>[Signature]</u>

RECOMMENDED ACTION:

That the City Council **ADOPT** City Council Resolution No. 2005-312, **CREATING** THE Proposition C Open Space and Trails Ad Hoc Citizen's Advisory Committee and **APPOINTING** citizens to membership of said committee.

ITEM EXPLANATION:

On several previous occasions, the City Council had discussed the creation of an Open Space Citizens Committee. The context for these discussions related primarily to the passage of Proposition C (copy attached), which listed open space acquisition and trail linkages as one of the projects that the citizens authorized the City to fund. The creation of the committee was put on hold until the City's Habitat Management Plan (HMP) was approved by state and federal wildlife agencies. Now that the HMP is approved and the City is in the process of fully implementing the Plan, the City Council may want to create and make appointments to the Committee.

Staff has reviewed the potential role, work product, and duration of the Committee and has derived some recommendations. It is recommended that the Committee's role be the establishment of a priority system to select future open space properties for acquisition and potential trail linkage projects. The work product would then be a list of potential acquisition parcels and trail projects, along with justifications for their acquisition/construction, for consideration and selection by the City Council. The duration of the Committee would be a function of the frequency of meetings and would range from a minimum of six months to a maximum of one year. It is recommended that the Committee be disbanded after its presentation of potential acquisition properties and trail projects to the City Council.

One outstanding issue needing direction from the City Council is the amount of funds available for open space property acquisition and trail linkages. The total allocation of funds for the four projects listed in Proposition C is \$35 million. The project, as defined in the Proposition, lists both open space acquisition and trail linkages however the proportion of \$35 million total allocation set aside for the open space/trail project has yet to be determined. Likewise, the proportion of fund allocation between the open space and trail components of the project is not established.

With regard to fund allocation, Staff is recommending two options. One option would involve the City Council establishing the amount of Proposition C funding available for the open space/trails project up front and allowing the Committee to prioritize the potential open space property acquisition and trail linkage projects based upon that funding limit. Another option would involve the Committee deriving a list of potential open space property acquisitions and trail linkage projects based purely on the derived prioritization criteria, without consideration of cost. The City Council would then decide on the proportion of Proposition C funding for the open space/trail project at a later date, perhaps based in part on the property acquisition opportunities.

ENVIRONMENTAL:

The creation of the committee and appointment of members does not constitute a "project" under the California Environmental Quality Act (CEQA) and no environmental review is required. Depending on the current zoning and General Plan land use designations of the potential acquisition properties, or the location and extent of the potential trail projects, some level of environmental review may be

**APPROVED
COUNCIL ACTION:**

necessary concurrent with any necessary Zone Changes, General Plan Amendments or other required permits that implement the land acquisition or trail construction.

FISCAL IMPACT:

As stated in the Proposition, the funds proposed for allocation for Proposition C projects comes from the City's General Fund. The amount allocated and the remaining amounts are shown below. The amount of funding available for the open space/trails project has not been established.

<u>Prop C projects :</u> (in \$1,000s)	Initial Allocation	Appropriated To Date	Remaining Allocation
City training center		(1,050)	
Cannon Rd.		-	
Trails/Open Space		-	
Pool		(11,239)	
Total	35,000	(12,289)	22,711

In addition to the acquisition costs, there will be costs for the ongoing maintenance of any open space or trails acquired and for the administrative expenses for the ad hoc committee. Staff recommends that the allocation for administrative costs not exceed \$5,000 and that the maintenance costs be addressed when the properties are identified.

EXHIBITS:

1. City Council Resolution No. 2005-312, creating the ad hoc committee and appointing its members.
2. Copy of Proposition C ballot measure.

DEPARTMENT CONTACT: Michael Grim, (760) 602-4623, mgrim@ci.carlsbad.ca.us

1 RESOLUTION NO. 2005-312

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 CARLSBAD, CALIFORNIA, CREATING THE PROPOSITION C
4 OPEN SPACE AND TRAILS AD HOC CITIZENS COMMITTEE
5 AND APPOINTING MEMBERS TO SAID COMMITTEE

6 WHEREAS, the registered voters of the City of Carlsbad, California did, on
7 November 5, 2002, approve Proposition C authorizing the spending of city funds from various
8 sources including the General Fund in an amount over \$1 million to construct a swimming pool
9 complex, trails and open space, safety training facility, and Cannon Road east of College
10 Boulevard; and

11 WHEREAS, one of the projects listed in Proposition C consisted of trail linkages
12 and open space acquisition; and

13 WHEREAS, the City Council has expressed interest in the creation of an Citizens
14 Open Space Committee to make recommendations to the Council on potential linkage projects
15 and open space property acquisitions.

16 NOW, THEREFORE, the City Council of the City of Carlsbad, California, does
17 hereby resolve as follows:

18 1. That the above recitations are true and correct.

19 2. That there is hereby created a Proposition C Open Space and Trail Ad
20 Hoc Advisory Committee whose charge shall be to establish priorities for open space property
21 acquisition and trail linkage projects and make recommendations to the Council on potential
22 candidate acquisitions and projects for future expenditures, as specified in Proposition C via the
23 following powers, duties, and responsibilities:

24 a. The Ad Hoc Advisory Committee shall be appointed by the Mayor
25 with the advice and recommendations of the City Council and the members shall
26 be five residents of the City of Carlsbad, one member at large, and one member
27 from the City Planning Commission, as follows:

- 24 1. Dr. Joel Altshul
- 25 2. Sandra Cima
- 26 3. Leonard Martyns
- 27 4. Fred Sandquist
- 28 5. Dennis Villavicencio
6. Carl Miller (at large)
7. Marty Montgomery (Planning Commissioner)

b. The Ad Hoc Committee shall exist for a maximum of one year, or
until all fund allocation recommendations are made, whichever occurs first, from

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the date of this resolution and, at the end of this time period, shall cease to exist unless on or before that expiration date the City Council acts by further resolution to renew its term in either the same or an amended state. The terms of the Committee members shall be for one year. Committee members shall serve without compensation;

c. Staff from the City of Carlsbad shall be ex-officio, non-voting, members of the Committee and shall provide support and advice as is appropriate. The Committee shall be given all reasonable tools, resources, background information, and staff support necessary for it to accomplish its objectives. A budget not to exceed \$5,000 is hereby appropriated from the General Fund to support the work of the Ad Hoc Committee;

d. The Ad Hoc Committee shall select a Chairperson and establish its own meeting schedule (in keeping with section "f"), as necessary and appropriate, to accomplish the work assigned to it by the City Council;

e. The Ad Hoc Committee shall conduct its business in open and public meetings which shall be subject to the Ralph M. Brown Act ("Act", Gov Code Sections 54950, *et seq.*) and shall only meet in closed session upon advice of the City Attorney in accordance with the Act;

f. The principal charge of the Ad Hoc Committee is to make recommendations to the City Council for proposed expenditures of Proposition C allocated funds;

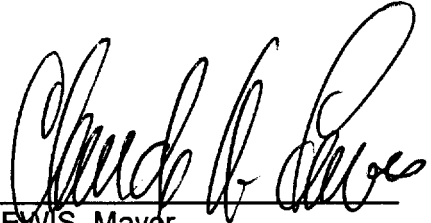
g. No member of the Ad Hoc Committee shall participate in discussions on or cast a vote on expenditure recommendations where he or she is likely to have a conflict of interest. Members should consult with the City Attorney if they have reason to believe a conflict will arise.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 18th day of Oct. 2005, by the following vote, to wit:

AYES: Council Members Lewis, Hall, Kulchin, Packard and Sigafosse

NOES: None

ABSENT: None



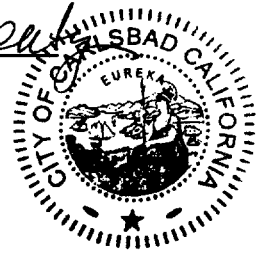
CLAUDE A. LEWIS, Mayor

ATTEST:



LORRAINE M. WOOD, City Clerk

(SEAL)



CITY OF CARLSBAD

Proposition C

(This proposition will appear on the ballot in the following form.)

PROP C

Do the voters of the City of Carlsbad approve spending city funds from various sources including the General Fund in an amount over \$1 million to construct capital facilities including a swimming pool complex, trails linkages and open space, a City/Safety Training Facility and a portion of Cannon Road, east of College (Reach 4)?

This Proposition requires approval by a simple majority (50% plus one vote) of the voters to pass.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

THE WAY IT IS NOW: Existing federal, state or local law requires that each real property acquisition or capital improvement project go through an extensive budgeting and approval process. Depending on the nature of the acquisition or project, it can be financed by special funds, general funds, or a combination of both. Special funds are generated from special taxes or development fees, which can only be used for the purpose for which they were imposed. General funds are generated from general taxes or general fees, which can be used for any municipal purpose. Most real property acquisitions or capital improvement projects are paid for from special funds. However, real property acquisitions or capital improvement projects requiring the expenditure of over \$1 million from general funds are subject to Carlsbad Municipal Code Chapter 1.24, which requires a majority vote of the citizens for such expenditures.

THE PROPOSAL: The Proposal seeks voter approval under Carlsbad Municipal Code Chapter 1.24 for the expenditure of general funds over \$1 million to finance or help finance the construction of:

- A swimming pool complex;
- Trails linkages and open space;
- A City/Safety Training Facility;
- A portion of Cannon Road, east of College (Reach 4).

If approved by a majority vote, the City Council may authorize the expenditure of over \$1 million from general funds for the development of each of these projects. A majority vote does not require this expenditure but instead, authorizes the City Council to use this source of funds for these projects.

If Proposition B, which also appears on this ballot, is approved, then the City Council would have authority to spend general funds in excess of \$1 million on the specified projects, regardless of the outcome of Proposition C. If Proposition B is not approved, then the City Council would not have the authority to spend general funds in excess of \$1 million on the specified projects, unless this Proposition C is approved by the voters.

A "YES" VOTE MEANS: If you vote "yes", you wish to authorize the City Council to approve spending general funds in an amount over \$1 million to finance or help finance the specified projects.

A "NO" VOTE MEANS: If you vote "no", you do not wish to authorize the City Council to approve spending general funds in an amount over \$1 million to finance or help finance the specified projects.

HOW PROPOSITION "C" GOT ON A BALLOT.

At its August 6, 2002 meeting, the City Council voted to place Proposition C before the voters to decide whether general funds in excess of \$1 million should be used to finance or help finance the specified projects.

FISCAL IMPACT: Proposition C does not require the expenditure of general funds but instead authorizes the City Council to use general funds in excess of \$1 million to finance or help finance the specified projects. These specified projects have not been designed and their exact costs will be determined during the design, permitting, budgeting and public hearing processes.

PR-09A0-8

SD 633-038

ARGUMENT IN FAVOR OF PROPOSITION C

THIS PROPOSITION CREATES NO NEW TAXES. IT ALLOWS THE CITY TO USE THE TAXES ALREADY RECEIVED IN A WAY THAT BENEFITS THE COMMUNITY.

The Growth Management Plan (GMP) requires developers, not existing residents and businesses, to pay for new facilities such as parks and roads. Unfortunately the money is not collected from developers until development occurs. This means that the construction of facilities may lag behind need. This Proposition allows the City to advance funding for certain projects ahead of developer funding, and invest additional tax revenues to enhance public benefit or construct projects that would not be a developer responsibility.

A YES vote on Proposition C will provide money for the following projects:

- **SWIMMING POOL COMPLEX** - a second swimming pool is needed now. Additional funds must be allocated to create a facility that will serve the needs of our community. A YES vote allows the City to allocate additional funds to this project.
- **TRAILS AND OPEN SPACE** - Carlsbad residents have repeatedly said that creating trails and preserving open space is their top priority. A YES vote will provide funding for both trail linkages and open space acquisition projects.
- **SAFETY TRAINING FACILITY** - The City's police officers and firefighters must constantly train to maintain a high degree of readiness. A YES vote will provide funding to build a facility to train our safety forces, and upgrade existing facilities and programs.
- **CANNON ROAD EAST OF COLLEGE** - This section of Cannon Road is needed to connect Cannon Road from Carlsbad to Oceanside. This will take traffic congestion off College Avenue in northeast Carlsbad and El Camino Real near Highway 78. A YES vote will provide money to complete this project.

We urge you to vote YES on Proposition C.

CLAUDE LEWIS
Mayor

ANN KULCHIN
Mayor Pro-Tem

RAMONA FINNILA
City Council Member

JULIE NYGAARD
City Council Member

ARGUMENT AGAINST PROPOSITION C

No argument against the proposition was filed in the office of the City Clerk.

All Receive-Agenda Item # 7

For the Information of the:
CITY COUNCIL
Asst. CM CA CC

Date 10-18 City Manager RP



BUILDING INDUSTRY
ASSOCIATION OF
SAN DIEGO COUNTY

**BUILDING INDUSTRY ASSOCIATION
OF SAN DIEGO COUNTY**
9201 Spectrum Center Blvd., Ste. 110
SAN DIEGO, CA 92123-1407

PHONE: [858] 450-1221 Ext.107
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EMAIL: scott@biasd.org

TOTAL # OF PAGES (INCLUDING COVER): 2

DATE: October 18, 2005

FROM: Scott Molloy,
Public Policy Advocate

TO: Honorable Claude Lewis
Honorable Matt Hall
Honorable Mark Packard
Honorable Ann Kulchin
Honorable Norine Sigafoose

COMPANY: City of Carlsbad

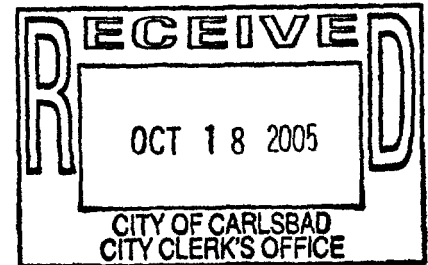
FAX #: 760-720-9461

MESSAGE:

Moyar Lewis,

Please find the attached letter in support of the city's efforts to move forward with the implementation of the Habitat Management Plan.

Sincerely,
Scott



Copies To:
City Clerk
Asst. CC
Dep. CC

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California Building
Industry Association

National Association
of Home Builders

National Association
of Industrial and
Office Properties

October 18, 2005

Honorable Claude Lewis
Mayor
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

RE: Item 7: Proposition "C" Open Space and Trails Ad Hoc Citizens'
Advisory Committee

Dear Mayor Lewis and Members of the City Council:

The Building Industry Association of San Diego County represents 1,460 member companies comprising a workforce of 165,000 San Diegans. We support the city's efforts move forward with implementation of the Habitat Management Plan (HMP). We request that the formation of the Ad Hoc Citizens' Advisory Committee include landowners and members of the business community to ensure a balanced perspective on the issues of prioritizing open space acquisition and trails.

It is also important that the role of the advisory committee be confined to these two HMP issues and that the committee avoids making recommendations on specific development projects before the city. We request that this be clearly defined in the committee's charter.

Thank you for this opportunity to provide input on the formation of the Citizens' Advisory Committee. We look forward to the successful implementation of the HMP.

Very truly yours,



Scott C. Molloy
Public Policy Advocate

cc: Michael Babowal, Carlsbad Chamber of Commerce
BIA North County Board of Directors

