

MEASURE SUBMITTED TO THE VOTERS

CITY

**CITY OF SAUSALITO
AUTHORIZATION TO APPROVE AND IMPLEMENT A DEVELOPMENT
PLAN FOR THE MARTIN LUTHER KING SCHOOL SITE
MEASURE D**

D Shall the Sausalito City Council be authorized to: dedicate approximately 6.7 acres of the Martin Luther King site for public recreational facilities and playing fields; reserve approximately 1.1 acres for a dog park; sublease approximately 6.0 acres for a commercial recreational facility with swimming pools, tennis courts, dining facilities and related amenities together with approximately 3.5 acres of parking, to be developed without public expense and to generate positive cash flow, on terms negotiated by the City Council?

**CITY OF SAUSALITO
AUTHORIZATION TO APPROVE AND IMPLEMENT A DEVELOPMENT
PLAN FOR THE MARTIN LUTHER KING SCHOOL SITE
FULL TEXT OF MEASURE D**

PROPOSED INITIATIVE ORDINANCE NO. 1130

**AN INITIATIVE ORDINANCE OF THE CITY OF SAUSALITO IMPLEMENTING
AND AMENDING INITIATIVE ORDINANCE NO. 1128 AND AUTHORIZING THE
CITY COUNCIL TO APPROVE AND IMPLEMENT A DEVELOPMENT PLAN
FOR THE MARTIN LUTHER KING SCHOOL SITE, CONTINGENT UPON
VOTER APPROVAL AT THE SPECIAL ELECTION TO BE CONDUCTED ON
JUNE 2, 1998**

The People of the City of Sausalito do ordain as follows:

Section 1. This Initiative Ordinance is intended to accomplish the following objectives:

(a) To authorize the Sausalito City Council to enter into a lease or other contractual arrangement with a commercial recreational facility provider for the construction and operation of a commercial recreational facility on the site of the former Martin Luther King School to include any or all of the following private recreational facilities: swimming pool(s), parking areas, exercise buildings, dining facilities, meeting rooms and tennis courts, locker facilities and such other appurtenant facilities deemed appropriate by the City Council.

(b) To implement Section 5(c) of Initiative Ordinance No. 1128, which calls for examining new financing and developing possibilities to ensure solvency and a reasonable debt retirement schedule for the Martin Luther King site, by authorizing the Sausalito City Council to expand the land area and floor area used for the commercial purposes defined above.

Section 2. The Sausalito City Council is hereby authorized to: dedicate approximately 6.7 acres of the Martin Luther King site for public recreational facilities and playing fields; reserve approximately 1.1 acres for a dog park; sublease approximately 6.0 acres for a commercial recreational facility with swimming pools, tennis courts, dining facilities and related amenities together with approximately 3.5 acres of parking, to be developed without public expense and to generate positive cash flow, on terms negotiated by the City Council.

Section 3. It is the intent of the voters that this Initiative Ordinance shall provide the voter approval required pursuant to Initiative Ordinance No. 1128 for the Martin Luther King site. Initiative Ordinance No. 1128 is hereby amended to incorporate the provisions of this Initiative Ordinance. In the event of any conflict between the provisions of this Initiative Ordinance and Initiative Ordinance No. 1128, it is the intent of the voters that the provisions of this Initiative Ordinance shall supersede any and all inconsistent provisions of Initiative Ordinance No. 1128, including the provisions amending the Sausalito General Plan.

Section 4. Prior to approving or implementing the development plan or associated contractual arrangements for the Martin Luther King site, the City shall undertake and complete any environmental review that may be required pursuant to the provisions of the California Environmental Quality Act.

Section 5. If the title, or any section, subsection, sentence, clause or phrase of this Initiative Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance and the Council declares that it would have adopted this Ordinance and its title and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that the title or any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6. This Initiative Ordinance shall take effect thirty (30) days after the date of its approval by a requisite number of the voters of the City of Sausalito during the election scheduled for June 2, 1998.

Proposed Initiative Ordinance and accompanying City Council Resolution No. 4418 APPROVED at a regular meeting of the City Council of the City of Sausalito on the 3rd day of March, 1998, by the following vote:

AYES: Mayor Albritton, Council members Stratigos, Ziegler

NOES: None

ABSENT: Councilmembers Belser, Miskel

s/ Paul Albritton

Mayor of the City of Sausalito

ATTEST:

s/ Brock Arner
City Clerk

APPROVED AS TO FORM:

s/ Craig Labadie
City Attorney

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE D**

Approval of this ballot measure by a majority of the voters of the City of Sausalito would result in the enactment of an Initiative Ordinance authorizing the Sausalito City Council to take the following actions with respect to the former Martin Luther King school site:

1. Dedicate approximately 6.7 acres for public recreational facilities and playing fields;
2. Reserve approximately 1.1 acres for a dog park; and
3. Enter into a sublease or other contractual arrangement for approximately 6.0 acres for a commercial recreational facility with swimming pools, tennis courts, dining facilities and related amenities together with approximately 3.5 acres of parking. These facilities would have to be developed without public expense and generate positive cash flow to the City of Sausalito. The City Council would have the authority to negotiate the terms and conditions governing this commercial development.

The proposed Initiative Ordinance would implement and amend Initiative Ordinance No. 1128, which was approved by the Sausalito City Council on December 18, 1997. It would provide the required voter approval pursuant to Initiative Ordinance No. 1128 for the Martin Luther King site. Before approving or implementing the development plan or associated contractual arrangements for the Martin Luther King site, the City would complete the required environmental review pursuant to the California Environmental Quality Act.

Dated: March 13, 1998

CRAIG LABADIE
City Attorney

The above statement is an impartial analysis of Measure D (proposed Initiative Ordinance No. 1130), a copy of which is included with your ballot materials. If you desire a copy of Ordinance No. 1128, please call the Deputy City Clerk's Office at (415) 289-4100 extension 130 and a copy will be mailed at no cost to you.

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ARGUMENT IN FAVOR OF MEASURE D

The Sausalito City Council has dedicated the last 2 years in planning for a lasting solution to stop the MLK leased properties drain on community resources. It has searched for the best uses to expand the services provided to our citizens and enhance the look and feeling of the northern end of Sausalito.

This process has included a lease re-negotiation with the school district, several public hearings, a public request for proposals, a formal appraisal, and a formal telephone poll of community recreational needs each available for public viewing at our city hall offices.

This process has led the council to conclude that no more tax payer monies will or should be spent on this property and that no hotel, industry buildings, office complexes, strip malls, or residential condos will be built on the sight.

Measure D outlines what the Council has found to be the best community uses and asks you, the voters, for authorization to complete a proposal and enter into a normal public development planning process.

The Council is asking for your approval of the restrictions of use as stated with the requirement that any final solution be cash positive without public expense.

s/ George Stratigos
Council Member
City of Sausalito

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

George Stratigos' argument states "that any (MLK) final solution be cash positive, without public expense". He fails to mention that MLK is currently cash positive. Since the re-negotiation of the lease payments, MLK rents pay for the site and bring extra income into the City, while utilizing only a small portion of the property.

Measure D authorizes, **but does not require**, the City Council to dedicate acreage for playing fields or a dog park. The Council may pick and choose among the smorgasbord of items included in the measure.

So why the push for Measure D? Section 1 of Measure D states that this measure is intended to let the Council "enter a lease **or other contractual arrangement** with a commercial recreational facility provider." The "contractual arrangement" is not limited to a sublease. **This measure would permit the Council to sell much of MLK** -- without voter consent.

Sausalito residents have repeatedly and passionately requested an opportunity to vote for or against a project at the MLK site. This measure does *not* present Sausalito residents with a vote on a **specific** project. This measure *does* assign full power to the City Council to **unilaterally** select, contract and implement its choice of development on MLK -- without voter consent.

Protect your right to vote on the future of our MLK parkland -- Vote NO on Measure D.

s/ Amy Belser
Sausalito Council Member
s/ Glendon W. Miskel
Sausalito Council Member
s/ Robin R. Sweeny
s/ Dennis Scremin
s/ Dianne B. Chute

ARGUMENT AGAINST MEASURE D

Don't give away your right to vote on the future of MLK -- Vote No on Measure D.

Measure D was designed to give the City Council complete authority to contract with Western Athletic Club for a private commercial health club at the old Martin Luther King School site, now public property. The project included restaurants, conference rooms and retail sales.

Although WAC withdrew its proposal in March, the City Council refused to remove this measure. If passed, Measure D will substantially commit any new project to the prior plan proposed by WAC.

Measure D could effectively preclude other alternatives. For example, it may not allow the competing YMCA/Tenant proposal, because the tenants are cottage industries, not recreational -- the YMCA is nonprofit, not commercial. It would not allow the tenants to upgrade the buildings, pay the lease, and leave the remaining property open space.

A few weeks before drafting Measure D the Council passed an ordinance limiting MLK's commercial development to the amount of current square footage (about 60,000 square feet). Measure D **totally** removes this restriction.

Measure D could have been drafted to provide a choice to citizens. It could have left the voters the ultimate right of approval. It does not. Measure D gives the City Council a blank check to unilaterally decide the type, size and cost of **any** commercial recreational development at MLK.

Measure D also removes the voters' right to vote on any development selected by the City Council. With Measure D the Council can lease MLK to whomever it wants, for however long it wants, without regard to the wishes of Sausalito residents. The private development can be of unlimited size, including conference rooms, restaurants and any other "facilities deemed appropriate by the City Council" -- **without voter consent.**

Keep your right to choose -- Vote NO on Measure D

s/ Amy Belser
City Council Member
s/ Glendon W. Miskel
City Councilman
s/ Dennis Elsasser
s/ Sandra J. Bushmaker
s/ Diane M. Alper

**NO REBUTTAL TO THIS ARGUMENT
WAS SUBMITTED**

End of Measure D

