

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 10/17/11

SUBJECT: The Stronach Group's 10/13/11 communication on its voter initiative and community communications strategies

REPORT BY: Beth Pollard, City Manager

STAFF RECOMMENDATION

That Council:

- 1) Acknowledge receipt of the 10/13/11 communication to the City Council from The Stronach Group outlining plans for its communications strategies and preparation of a voter initiative for the June 2012 ballot related to its proposal for the second campus of the Lawrence Berkeley National Laboratory and private development
- 2) Convey to TSG the City Council's expectation that TSG will reimburse the City for its costs to analyze the impacts of the proposal, and to inform and engage the community in understanding the consequences
- 3) Consider agendaing an information, discussion, and potential action item for City Council position on the process and/or content of any aspects of the proposal or initiative.

BACKGROUND

The Golden Gate Fields (GGF) property, owned by The Stronach Group (TSG) is one of six sites being considered as a location for the second campus of Lawrence Berkeley National Laboratory (Lab). In June, 2011, the City Council authorized hiring the same firm that conducted the city's waterfront visioning in 2008-10 – Fern Tiger Associates (FTA) - to inform and engage the community about TSG's proposal for the second campus. TSG agreed to reimburse the City for the cost of this work.

FTA delivered a progress report to the City Council on September 19, 2011, at which time the Council authorized establishing a task force to serve as a platform for further community information and engagement about the proposal. The Task Force had its orientation meeting on Sunday, October 9, and has a second meeting scheduled for Sunday, October 16.

DISCUSSION

On the morning of October 13, city officials received the attached communication from TSG, in which the property owner informs the city of its intention to conduct its own

community outreach, ongoing polling, and engagement about the proposal, and its plan to pursue a voter initiative for the June 2012 ballot. They indicate that the measure and its timing is needed to provide the Lab with assurance that the second campus can move forward if GGF is selected as the site.

ANALYSIS

According to the TSG communication, they are in the process of developing ballot language to submit to the City in December with the goal of circulating initiative petitions for voter signatures. The timing for this initiative measure is oriented to the June 2012 ballot. The voter initiative presumably will have language that the property owner believes will allow a modification or elimination of the requirements of the Measure C voter initiative that currently regulates both the approval process and content of new development on that site, in order to allow its proposed Lab and private development.

The initiation of a voter initiative on the GGF property raises complex legal, financial, policy, and political issues for the City. The City Attorney can provide initial legal guidance to the Council on the initiative process and the city's role. There will be further legal questions and analysis related to the specifics of any initiative wording and consequences.

There are two aspects to the financial implications of the voter initiative: One is the cost for the City and community to sufficiently understand the consequences of the ballot measure, and the costs of the measure; the second is the financial consequences of what is being proposed in the measure.

TSG had agreed to reimburse the City for its costs to analyze its proposal, as well as inform and engage the community through FTA. City staff recommends that the City Council convey its expectation that TSG will honor that commitment. The City, the Schools, and the community need and deserve assurances that information on which they are basing their vote is independent of the developers.

The platform that the City has established for this phase of community information and engagement is the Task Force. Again, this Task Force serves as a means for the community to have an independent understanding of the proposal, and the costs therein should be reimbursed by the property owner/developers.

The policy issues for the Council include issues related to continuation of the Task Force, and whether the City Council wishes to take a position about the initiative process and/or the content of the proposal. If Council is interested in taking a position, staff recommends that it be agendaized for a subsequent meeting and properly noticed.

Lastly, with respect to the political issues, Albany finds itself at the intersection of interests about this waterfront property that, again, have the potential to stir political turmoil in an otherwise relatively collegial community. The challenge for the city is how to best manage the complexity of the issues, the depth of concerns about potential positive and negative

outcomes, and the need for reliable data and information in evaluating the possibilities. Because of Measure C, the voters have the ultimate authority over the future of this property.

Because Measure C adds voter approval as the final step enacting zoning amendments, general plan amendments, entering into a development agreement, or enacting a specific plan, the Council has a central role to play. The Council still has all the responsibilities it would have to oversee and to determine modifications of land use matters at the waterfront. It also arguably bears governance responsibilities for seeing that the electorate is informed about ballot measure.

If the landowner submits an initiative proposal, the initiative would not have had the benefit of being vetted through the normal planning process that requires CEQA review and hearings before the Planning Commission and the City Council, all of which provide the public with opportunities to understand and to participate in the process. The Council will need to determine its role in light of the submission of the landowner's initiative.

SUSTAINABILITY IMPACT

The sustainability impact of the project is unknown at this time.

FINANCIAL IMPACT

The cost to obtain, analyze and evaluate data and information about the proposal, and its consequences to the City and Schools is unknown at this time. It is the City's policy, as expressed through its Master Fee Schedule, that the City's cost to review and evaluate property development proposals is the responsibility of the property owner or developer.

Attachments:

- Email and attachment from Ari Huber dated October 13, 2011.