



**CITY OF LOS ALTOS
CITY COUNCIL MEETING
July 28, 2015**

CONSENT CALENDAR

Agenda Item # 3

SUBJECT: Adopt Ordinance No. 2015-410, ordering the submission of a proposition of incurring bonded debt to the qualified voters of the City of Los Altos at a special municipal election to be held on November 3, 2015, for the purpose of the construction and improvement of Hillview Community Center and Park

BACKGROUND

On July 14, 2015, the City Council introduced Ordinance No. 2015-410 calling for a bond election to be held in November 2015.

EXISTING POLICY

2009 Civic Center Master Plan and 2015 Update

PREVIOUS COUNCIL CONSIDERATION

March 24, 2015; April 28, 2015; May 27, 2015; June 23, 2015 and July 14, 2015

DISCUSSION

Adoption of Ordinance No. 2015-410 requires a 2/3rd vote of the Council. Once adopted, the Ordinance will go into effect immediately. The Ordinance and request for consolidation will be forwarded to the Santa Clara County Registrar of Voters' Office and the Ballot Statement will be forwarded to the City Attorney's Office for preparation of an Impartial Analysis.

PUBLIC CONTACT

Posting of the meeting agenda serves as notice to the general public.

FISCAL/RESOURCE IMPACT

It is unknown at this time the exact cost for holding a bond election in November 2015. The total cost will depend upon the number of elections to be held at the same time. There are sufficient funds in the Community Center Redevelopment Capital Improvement Project CF-01002 to cover the cost of the election. No City funds or resources will be used in support or opposition of the bond measure.

ENVIRONMENTAL REVIEW

An addendum to the 2010 Civic Center Master Plan Environmental Impact Report was prepared in July 2015.

RECOMMENDATION

Adopt Ordinance No. 2015-410, ordering the submission of a proposition of incurring bonded debt to the qualified voters of the City of Los Altos at a special municipal election to be held on November 3, 2015, for the purpose of the construction and improvement of Hillview Community Center and Park

ALTERNATIVES

Do not adopt Ordinance No. 2015-410; this action will result in the City being unable to hold a November 2015 election.

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

ATTACHMENT:

1. Ordinance No. 2015-410

Adopt Ordinance No. 2015-410, ordering the submission of a proposition of incurring bonded debt to the qualified voters of the City of Los Altos at a special municipal election to be held on November 3, 2015, for the purpose of the construction and improvement of Hillview Community Center and Park

ORDINANCE NO. 2015-410

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ORDERING THE SUBMISSION OF A PROPOSITION OF INCURRING BONDED DEBT TO THE QUALIFIED VOTERS OF THE CITY OF LOS ALTOS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2015, FOR THE PURPOSE OF THE CONSTRUCTION AND IMPROVEMENT OF HILLVIEW COMMUNITY CENTER AND PARK

WHEREAS, on July 14, 2015, the City Council adopted, by a two-thirds vote of all its members, a resolution entitled “Resolution of the City Council of the City of Los Altos Determining that the Public Interest and Necessity Demand the Development of Certain Municipal Improvements and Their Financing Through the Issuance of General Obligation Bonds for the Hillview Community Center and Park” (the “Resolution of Necessity”); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the improvements described in the Resolution of Necessity, it is necessary for the City Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at a municipal election; and

WHEREAS, the City Council desires to submit said ballot measure to the qualified voters of the City at the regular election to be held in the City on November 3, 2015, and to consolidate the bond election with other elections held within the City on that date; and

WHEREAS, the City intends to issue its general obligation bonds to finance the development of the Los Altos Community Center Master Plan Update, now referred to as the Hillview Community Center and Park project, which was reviewed under the California Environmental Quality Act (“CEQA”) and an Environmental Impact Report (“EIR”) was prepared and certified by the City Council on March 9, 2010 (“2010 EIR”); and

WHEREAS, based on the proposed Hillview Community Center and Park project description, knowledge of the project site, the environmental review previously completed, and the following analysis, the City determined that the proposed Hillview Community Center and Park project represents an insubstantial change in the project description as evaluated in the 2010 EIR and would not result in any new significant impacts not previously disclosed in the 2010 EIR, nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the 2010 EIR. For these reasons, an Addendum to the certified 2010 EIR was prepared in July 2015 and a supplemental or subsequent EIR or Initial Study /Mitigated Negative Declaration is not required for the proposed Hillview Community Center and Park project.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. CALL FOR ELECTION. The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring a bonded debt (the “Bonds”) for the purpose set forth in this Ordinance, at the regular election to be held on November 3, 2015.

SECTION 2. BALLOT PROPOSITION. The City Council hereby submits to the qualified voters of the City, at the regular election to be held on November 3, 2015, a proposition on issuing the Bonds in substantially the following form:

HILLVIEW COMMUNITY CENTER AND PARK MEASURE

“To replace the nearly 70-year old Hillview Community Center with a new facility to provide needed recreation and activity space and meeting rooms; to meet current handicapped and earthquake safety codes; to build community pool facilities; and to improve Hillview Park, open space and sports fields, shall the City of Los Altos issue \$65,000,000 of bonds at the lowest available legal interest rates with all funds staying in Los Altos to benefit local residents, seniors and children?”

SECTION 3. OBJECT AND PURPOSE OF BONDS. The object and specific single purpose of issuing the Bonds is the construction and improvement of certain public park and recreation facilities (the “Hillview Community Center and Park”), and the proceeds of the Bonds may only be applied to the specific purposes set forth in the ballot proposition.

SECTION 4. ESTIMATED COST OF HILLVIEW COMMUNITY CENTER AND PARK. The estimated cost of the Hillview Community Center and Park is \$65,000,000. The estimated cost includes legal or other fees, and other costs and expenses, which are incidental to or connected with the authorization, issuance and sale of the Bonds.

SECTION 5. PRINCIPAL AMOUNT OF BONDS. The amount of the principal of the Bonds shall not exceed \$65,000,000.

SECTION 6. MAXIMUM INTEREST RATE. The maximum rate of interest to be paid on the Bonds shall be 8% per annum. Said interest shall be payable semiannually except that interest for the first year after the date of the Bonds may be made payable at the end of said year.

SECTION 7. ISSUANCE AND SALE OF BONDS. The City proposes to construct and develop the Hillview Community Center and Park and to issue and sell the Bonds pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, or Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The Bonds will be general obligations of the City payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of

the Bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 8. CONSOLIDATION; MANNER OF CONDUCTING ELECTION.

A bond election now is hereby called for November 3, 2015, and is hereby ordered consolidated with any other election to be held within the City on that date. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election as specified herein. The Board of Supervisors of Santa Clara County and the Santa Clara County Clerk, Elections Division, are hereby requested to order the consolidation of the municipal election hereby called with any other election to be held within the City on said date. The City Council hereby adopts the provisions of subdivision (a) of Section 9285 of the California Elections Code.

SECTION 9. PROCEDURE FOR VOTING ON PROPOSITION. Ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the proposition on the ballot, in accordance with procedures to be adopted by the authorized officers of the County charged with conducting the election.

SECTION 10. ACCOUNTABILITY REQUIREMENTS. In accordance with Sections 53410 and 53411 of the California Government Code, the City Council hereby adopts the following accountability requirements relating to the Bonds:

- (a) A separate account shall be created and held by the City, into which the proceeds of the Bonds are deposited.
- (b) The chief fiscal officer of the City shall file a report with the City Council no later than January 1, 2016, and at least once a year thereafter, showing the amount of Bond proceeds collected and expended, and the status of the project to be financed from the proceeds of the Bonds.

SECTION 11. BALLOT ARGUMENTS; TAX RATE STATEMENT. Any and all members of the City Council are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The City Manager is hereby authorized to execute any Tax Rate Statement to be included as part of the official ballot measure.

SECTION 12. IMPARTIAL ANALYSIS. Pursuant to Section 9280 of the California Elections Code, the City Clerk, or his designee, is hereby directed to submit a copy of this ordinance to the City Attorney and the City Attorney, or her designee, is hereby authorized and directed to prepare an impartial analysis of the ballot proposition showing the effect of the ballot proposition on the existing law and the operation of the ballot proposition. Such

analysis shall not exceed 500 words in length and shall comply in all respects with applicable provisions of the California Elections Code.

SECTION 13. OFFICIAL ACTIONS. The City Manager, the Administrative Services Director and the City Clerk, or any of their designees, are hereby authorized to execute any documents and to perform all acts necessary to place the bond measure on the ballot.

SECTION 14. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 15. PUBLICATION. This Ordinance shall be published once a day for at least 7 days in a newspaper published at least 6 days a week in the City, or once a week for 2 weeks in a newspaper published less than 6 days a week in the City. The first of said publications shall, in either event, be within 15 days after the adoption of this Ordinance.

SECTION 16. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by two-thirds of all members of the City Council of the City.

The foregoing ordinance was duly and properly introduced at a meeting of the City Council of the City of Los Altos held on _____, 2015 and was thereafter, at a regular meeting held on _____, 2015 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Janis C. Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK