

# BALLOT QUESTION NUM. 1

## City of Boulder City

Should the City of Boulder City authorize the sale of approximately 16.3 acres of City owned land located southeast of Boulder City Parkway and Veterans Memorial Drive for development of a grocery store and associated retail uses, and expend the proceeds from the Capital Improvement Fund as follows: fifty percent (50%) to be used for general fund capital needs, such as street, roadway, parking lot, alley, and trail improvements, and renovation of existing City owned assets; thirty percent (30%) to be used for public safety capital needs; ten percent (10%) to be used for capital needs at the Elaine K. Smith Center located at 700 Wyoming Street; and ten percent (10%) to be used for preservation of City owned historic assets?

Yes .....

No .....

### EXPLANATION & DIGEST

Section 142 of the Boulder City Charter directs a portion of the proceeds from the sale, lease, and other dispositions of City owned lands, including without limitation, solar leases, to be placed in a special fund known as the Capital Improvement Fund. Section 140.1.A in conjunction with Section 143.1 of the Boulder City Charter requires land sales of City owned lands of more than one acre in size, and the expenditure proceeds from such a land sale to be approved by a simple majority of the votes cast by the registered voters of the City on a proposition placed before them in a general or special election. The measure would allow Boulder City to expend Boulder City public funds. This measure does not propose to add to, change or repeal existing law, and will not increase taxes or fees but would generate revenue from the land sale.

This ballot question would authorize the City Council of Boulder City to offer approximately 16.3 acres located southeast of Boulder City Parkway and Veterans Memorial Drive for sale for the development of a grocery store, and associated retail uses, and expend the proceeds from the Capital Improvement Fund as follows: fifty percent (50%) to be used for general fund capital needs, such as street, roadway, parking lot, alley, and trail improvements, and renovation of existing City owned assets; thirty percent (30%) to be used for public safety capital needs; ten percent (10%) to be used for capital needs at the Elaine K. Smith Center located at 700 Wyoming Street; and ten percent (10%) to be used for preservation of City owned historic assets. It is anticipated that development of the site would include retail and service businesses in addition to the grocery store. Notwithstanding the foregoing, the sale of the land would be subject to deed restrictions requiring that the primary use of the development be for a grocery store.

A “YES” vote would authorize the City Council to offer for sale approximately 16.3 acres of City owned land located southeast of Boulder City Parkway and Veterans Memorial Drive for development of a grocery store and associated retail uses, and expend the proceeds from the Capital Improvement Fund as follows: fifty percent (50%) to be used for general fund capital needs, such as street, roadway, parking lot, alley, and trail improvements, and renovation of existing City owned assets; thirty percent (30%) to be used for public safety capital needs; ten percent (10%) to be used for capital needs at the Elaine K. Smith Center located at 700 Wyoming Street; and ten percent (10%) to be used for preservation of City owned historic assets.

A “NO” vote would not authorize the City Council to sell approximately 16.3 acres located southeast of Boulder City Parkway and Veterans Memorial Drive for development of a grocery store and associated retail uses.

### **ARGUMENT FOR PASSAGE**

The passage of this ballot question would indicate to the City Council that the community is in favor of having another grocery store in the city. The 16.3 acres of land proposed for this sale is City owned and is vacant. The land has much of the needed infrastructure and access to major roads that would facilitate the sale to a grocery store. Passing this ballot question would give the City Council the opportunity to sell the land, which could potentially generate money for other investments in the city and would relieve the City of maintaining vacant land. In addition, having a grocery store and other associated retail uses would generate a new source of tax revenue, which would also be used to the City’s benefit, and would diversify the retail stores available for consumers.

(Submitted by Ballot Question Committee as provided for in NRS 295.217)

### **REBUTTAL TO ARGUMENT FOR PASSAGE**

This argument fails to point out one major factor. As of this writing, there are no submitted proposals for a grocery store space to be leased or occupied by a commercial grocer tenant (e.g. Vons, Smith’s, Sprouts, etc.). This creates an issue if needs and demands change, there would need to be a new ballot question to change the allowable use of that property. This would mean land would stay vacant for a longer period while waiting for a ballot question to pass and even then, it could not pass causing further delays.

The argument indicates that the City would be relieved of maintaining the land. Undeveloped land has none of the maintenance that a typical building or development would require. Additionally, the argument that sale proceeds could be used for other expenditures is correct, but if the land were leased, it could create a consistent income over time similar to the solar leases already in place. Vote “NO” on Question Num. 1.

(Submitted by Ballot Question Committee as provided for in NRS 295.217)

### **ARGUMENT AGAINST PASSAGE**

Do not be fooled by the wording of this question. This is not a grocery store question, and approval of the question does not guarantee a grocery store. It is a land sale question.

Presenting the question to the voters at this time is a classic example of putting the cart before the horse. First, the City has not followed its own Land Management Process. The Land Management Process is the *first* step to determining the viability of the sale or lease for City owned property. (Boulder City Code Section 9-2-4). This multi-step process is presented to both the City Council and the Planning Commission, and it gives the public numerous opportunities to provide input. Instead, the City approved the question to be placed on the ballot, and *then* started the Land Management Process. As of the writing of this argument, the process has not been completed.

Second, by selling the land rather than leasing it, the City relinquishes all control of one of the highest profile pieces of property it owns. This land is at the entrance of our community. We should be taking steps to determine what is the highest and best use of this property.

Third, this ballot question is so narrowly tailored, that it encumbers the City. If this question were to pass and a better opportunity presented itself that did not include a grocery store and “associated retail uses”, the City would have to go back to the voters for approval which could take years.

This is an attempt to get a developer to build a grocery store by selling land that nobody has offered to buy. Since Vons closed in 2015, the City has not received one single proposal to build a grocery store anywhere. The assumption that the City could attract business by selling the land prior to a valid, viable proposal is poor planning at best. And at worst, it’s a guess; a speculation. Don’t approve the sale of our valuable resource based upon guesses and speculation. Vote “NO” on Question Num. 1.

(Submitted by Ballot Question Committee as provided for in NRS 295.217)

### **REBUTTAL TO ARGUMENT AGAINST PASSAGE**

Do not be fooled by the arguments against this ballot question. To start, Boulder City Code Section 9-2-4 (B)(2) states, “In the case of a sale, direct staff to prepare a ballot question regarding the sale of property for the next election and if the ballot question is approved by voters, prepare a request for proposals for development of said parcel of property”. The City Council is following the Land Management Process through this ballot question. Next, leasing the land is not a viable way to have a developer build on the property, the developer will likely want to own the land to build. In addition, selling the land will allow the City both the proceeds of the sale AND the benefit of property taxes. The ballot question is purposely narrowed for sale only for a grocery store, not for a fill in the blank sale of this land. This is a simple ballot question to determine if the voters favor giving the City Council the OPPORTUNITY to sell the land for a developer to build a grocery store. It is not complicated, vote “YES” for that opportunity.

(Submitted by Ballot Question Committee as provided for in NRS 295.217)

### **FISCAL IMPACT**

This will impact the Capital Improvement Fund in the amount of the proceeds from the sale of the land as set forth in Section 142 of the City Charter. This question does not require an expense that will require the levy or imposition of a new tax or fee or the increase of an existing tax or fee.