



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
March 18, 2015**

TO: Honorable Mayor Schroder and City Council Members

FROM: Richard G. Hernandez, City Clerk

SUBJECT: Amending the General Plan (Hidden Lakes Specific Area Plan) Designation From Open Space and Recreation, Permanent to Residential 0-6 Units/Gross Acre For A 25.9 Acre Parcel and Text Amendment to Delete Language Pertaining to Golf Course Use on the Property Located at 451 Vine Hill Way (Pine Meadow) GPA 13-02

DATE: March 11, 2015

RECOMMENDATION:

Receive and file Clerk's Certificate to Referendum against Resolution No. 009-15; and take action to either:

- (a) repeal Resolution No. 009-15;
- (b) submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at the November 8, 2016 regular municipal election and adopt resolution calling for said election;
- (c) submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at a special municipal election (to be held at least 88 days after the order calling for the election) and adopt resolution calling for said election;
- (d) hold Resolution No. 009-15 suspended until repealed by the City Council or submitted to the voters of the City of Martinez for adoption or rejection at a regular or special election; or
- (e) continue the matter to a future council meeting.

BACKGROUND:

On January 21, 2015, the City Council adopted Resolution No. 009-15 Amending the General Plan (Hidden Lakes Specific Area Plan) Designation from Open Space and Recreation, Permanent to Residential 0-6 Units/Gross Acre for a 25.9 Acre Parcel and Text Amendment to Delete Language Pertaining to Golf Course Use on the Property Located at 451 Vine Hill Way (Pine Meadow) GPA 13-02. Thereafter, on February 17, 2015, prior to the effective date of the resolution, a petition requesting a referendum against Resolution No. 009-15 was submitted to the City Elections Official. Pursuant to California Elections Code sections 9239 and 9210¹, the referendum petition was accepted for filing by the City's Elections Official. Pursuant to sections

¹ All citations are to the California Elections Code unless otherwise indicated.

9240 and 9114, after the petition has been filed the elections official shall, within 30 business days, examine the petition to ascertain whether or not the petition is signed by the requisite number of voters. The City Elections Official transmitted the petitions to the Contra Costa County Election Department for examination of the petitions and verification of signatures and on March 3, 2015, the City received the official certification of the final signature count from the County Elections Official.

DISCUSSION:

Pursuant to section 9114, once the elections official has verified the signatures on the petition, he/she shall certify the results to the City Council at the next regular meeting of the City Council. Attached hereto is the certification of the Contra Costa County Election Department (signed by the Deputy County-Clerk Recorder) indicating that there were 2,858 signatures found sufficient on the petition. The minimum number required (10% of registered voters) was 2,149. The City Council should receive and file this certificate which has also been transmitted by the Deputy City Clerk to the proponents of the petition.

Under the Elections Code, once a referendum petition protesting the adoption of a resolution of the kind involved here is submitted to the elections official and is signed by not less than 10 percent of the registered voters of the City, the effective date of the resolution shall be suspended and the City Council shall reconsider the ordinance. ' 9237. Once the requisite signatures have been verified by the City Elections Official, as is the case here, pursuant to section 9241, the City Council has the following options available to it. The Council can:

- 1) Entirely repeal Resolution No. 009-15;
- 2) Submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at the November 8, 2016, regular municipal election and adopt a resolution calling for said election;
- 3) Submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at a special election to be held at least 88 days from the Council's calling of the election and adopt a resolution calling for said election;
- 4) Hold Resolution No. 009-15 suspended until repealed by the City Council or submitted to the voters of the City of Martinez for adoption or rejection at a regular or special election;
- 5) Or continue the matter to a future Council meeting.²

If the City Council determines to hold an election, that election may be either at the next regular municipal election date occurring not less than 88 days after the order for the election is called by the Council or at a special election called for the purpose, not less than 88 days after the order of the Council. ' 9241, ' 1410. The time frames set forth in the Elections Code as they relate to referendum only set the minimum number of days which must pass before an election may be

²The Elections Code does not specify a deadline by when the City Council must choose one of these options.

held (i.e.: 88); the Code does not set a maximum number of days by which an election must be held.

If the City Council repeals the resolution or submits it to the voters and a majority of the voters voting on the resolution do not vote in favor of it, the same resolution may not again be enacted by the Council for a period of one year after the date of its repeal by the Council or disapproval by the voters. If the City Council elects to hold a special or regular election for this purpose, the resolution would remain suspended until submitted to the voters at a the special or regular election and the development project to which the resolution pertains is considered not approved during the time of the suspension.

FISCAL IMPACT:

If the City Council votes to submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at the November 8, 2016, regular municipal election and adopts a resolution calling for said election, the cost to the City is estimated to be, using the associated costs of the last election, \$23,229.84.

If the City Council votes to submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at a special election to be held at least 88 days from the Council's calling of the election and adopt a resolution calling for said election, the cost to the City will be approximately \$3.00+ per registered voter, currently there are 21,496 registered voters, which would cost \$64,488.00.

ACTION:

Motion to receive and file Clerk's Certificate to Referendum against Resolution No. 009-15; and take action to either:

- (a) repeal Resolution No. 009-15;
- (b) submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at the November 8, 2016 regular municipal election and adopt resolution calling for said election;
- (c) submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at a special municipal election (to be held at least 88 days after the order calling for the election) and adopt resolution calling for said election;
- (d) hold Resolution No. 009-15 suspended until repealed by the City Council or submitted to the voters of the City of Martinez for adoption or rejection at a regular or special election;
or
- (e) continue the matter to a future council meeting.

Attachments:

1. Clerks Certificate for Referendum against Resolution No. 009-15
2. Resolution of the City Council of the City of Martinez Calling and Giving Notice of the Holding of a General [or Special] Municipal Election, etc.

Administration
925.335.7899
925.335.7893 fax

Elections Division
925.335.7800
925.335.7836 fax

Contra Costa County Clerk-Recorder-Elections Department

555 Escobar Street
Martinez, CA 94553

Joseph E. Canciamilla
County Clerk-Recorder
and Registrar of Voters

Deborah Cooper
Deputy County Clerk-Recorder

Scott Konopasek
Assistant County Registrar



RECEIVED

MAR 3 2015

CITY OF MARTINEZ
CITY CLERK'S OFFICE

I, Joseph E. Canciamilla, County Clerk of the County of Contra Costa, State of California, hereby certify that

REFERENDUM AGAINST RESOLUTION NO. 009-15

was delivered to this office on **February 17, 2015**:

That said petition consists of **109 pages**.

Each section contains signatures purporting to be the signatures of qualified electors of the City of Martinez;

That attached to this petition at the time it was filed was an affidavit purporting to be the affidavit of the person who solicited the signatures and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

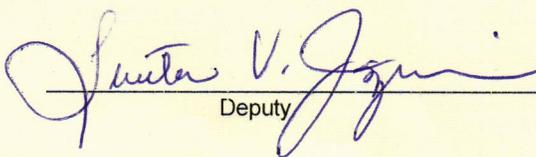
That under the provisions of Elections Code § 9211, I caused the verification 100 percent of signatures by examining the records of registration in this County, current and in effect at the respective purportive dates of such signing, to determine what number of qualified electors signed the petition. From that examination, I have determined the following facts regarding this petition:

1.	The number of signatures filed by the proponent (raw count):	3762
2.	The number of signatures constituting 100% check of those filed:	3762
3.	The number of signatures not checked.	0
	a. The number of signatures found SUFFICIENT :	2858
	b. The number of signatures found INSUFFICIENT (including duplicates):	906
	c. The number of DUPLICATE signatures:	38

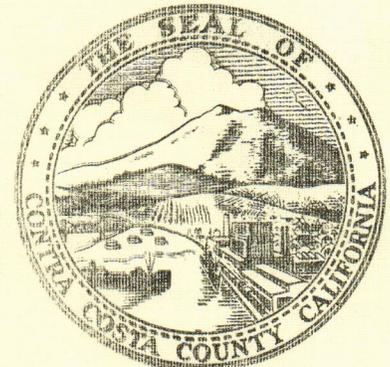
The number of voters as of the last report registration to the state 10/20/2014 is 21,496

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 3rd day of March, 2015

Joseph E. Canciamilla
County Clerk-Recorder
Contra Costa County, California


Deputy

(Seal Here)



RESOLUTION NO. -15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ CALLING AND GIVING NOTICE OF THE HOLDING OF A [GENERAL] [SPECIAL] MUNICIPAL ELECTION TO BE HELD [NOVEMBER 8, 2016 IF GENERAL], [AT LEAST 88 DAYS LATER IF SPECIAL] AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA TO CONDUCT SAID ELECTION; AND AUTHORIZING THE CITY CLERK OR HIS DULY AUTHORIZED OFFICERS AND AGENTS TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS AN ELECTION FOR A REFERENDUM TO RESOLUTION NO. 009-15

WHEREAS, the City of Martinez has received a certificate from the County of Contra Costa Registrar of Voters certifying the results of the Registrar's examination of the numbers of signatures and verification of the signatures affixed to certain petitions for a referendum measure to City of Martinez Resolution No. 009-15; and

WHEREAS, said certification shows that the initiative petitions were signed by not less than 10 percent of the voters of the City according to the report of registration by the county elections official to the Secretary of State pursuant to Elections Code §2187; and

WHEREAS, Elections Code §9241 provides that in those circumstances where the above-stated facts exist, as they do here, the City Council must either: (a) entirely repeal the ordinance; (b) submit the ordinance to the voters at the next regular municipal election occurring not less than 88 days after the order of the legislative body; or (c) submit the ordinance to the voters at a special election called for that purpose occurring not less than 88 days after the order of the legislative body; and

WHEREAS, pursuant to the requirements of the Elections Code, an election should be called for the purposes of permitting the City's voters to determine whether the measure should or should not be adopted; and

WHEREAS, it is desirable that the election on this measure be consolidated with the general municipal election to be held on the same date; and

[**Whereas**, it is desirable that the election on this measure be set on _____[no less than 88 days from the order], as a special election; and]

WHEREAS, it is desirable that the County Election Department of the County of Contra Costa canvass the returns of said election; and

WHEREAS, the Election Department for the County of Contra Costa requires payment by the City of a reasonable fee to perform the election service of holding the said election and this reasonable fee is related to and based upon the actual cost of conducting the election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARTINEZ, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. The recitals stated above are true and correct.

[2. That pursuant to Elections Code §924I there is called and ordered to be held in the City of Martinez, California, on Tuesday, _____, a special election.]

[2. That pursuant to Elections Code §924I there is called and ordered to be held in the City of Martinez, California, on Tuesday, on November 8 2016, an election on the said referendum.]

3. That the City Council, pursuant to its right and authority as established in Elections Code §9241, does order submitted to the voters at the election specified above a ballot containing the measure attached hereto as Exhibit "A" and incorporated by this reference.

[4. That pursuant to Elections Code §I0400, the Board of Supervisors of the County of Contra Costa is hereby requested to consent and agree to the consolidation of the election with any other election to be held on Tuesday, November 8, 2016.]

5. That the City of Martinez, pursuant to its right and authority, does order submitted to the voters at the election the following question:

Shall Resolution No. 099-15, amending the City's General Plan to re-designate the land uses permitted on the 25.9 acre parcel located at 451 Vine Hill Way from Open Space and Recreation, Permanent to Residential 0-6 Units/Gross Acre be adopted?

Yes _____/ No _____/

6. That the County Election Department is authorized to canvass the returns of said election.

7. That the City Clerk is hereby directed to issue instructions to the County Election Department to take any and all steps necessary for the holding of the election.

8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Contra Costa.

9. That the polls for the election shall be open at 7:00 a.m. of the date of the election and shall remain open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided in §14401 of the Elections Code.

10. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

11. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

12. That the City Clerk shall certify to the passage and adoption of this Resolution and file it with the City's original resolutions.

13. That the provisions of Elections Code §9219 and §9220 shall apply.

14. The City Clerk is directed to transmit to the City Attorney a copy of the measure and the City Attorney shall prepare an impartial analysis thereof consistent with applicable law.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 18, day of March, 2015, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ