

## **CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Mayor Schroder called the meeting to order at 7:00 p.m. in the Council Chambers.

**PRESENT:** Michael Menesini, Councilmember, Janet Kennedy, Councilmember, Mark Ross, Vice Mayor, and Rob Schroder, Mayor.

**EXCUSED:** Lara DeLaney, Councilmember.

**ABSENT:** None.

## **PUBLIC COMMENT**

Cathie Cracknell, Alhambra Valley resident, indicated that they never signed a deferred annexation agreement with the City nor were they told about a deferred annexation agreement. She further indicated that it was not fair that their right to vote was being withheld because of an agreement they never saw or signed.

Hal Olson, Mountain View Association, spoke about the missing deferred annexation agreements (DAAs) for a large number of the valley residents. He thought the City was negligent in getting the required agreements.

Mike Alford stated that the City should be fair and allow everyone in the Alhambra Valley to vote on whether that area should be annexed into the City. He indicated that there should be an investigation into the process that was followed.

Billie Fivella indicated that the biggest problem with the annexation was the way the boundary lines were drawn, and she believes that all of the valley should be annexed or none of it. She added that the people who live in the area should be able to vote on whether to proceed with the annexation.

Nancy Lompa spoke about why her property zoning was changed to agricultural zoning/light residential. She stated that the reason they moved to Martinez was to keep animals on their property, and she was concerned that annexation by the City would mean they could no longer have animals. Mayor Schroder clarified that the County currently has jurisdiction over the zoning of the areas. City Attorney Veronica Nebb added that there had been some rezoning of some properties in the proposed annexation area.

Ernest Lompa stated that he resents what the City is trying to do with the annexation and the lack of respect shown to those who live in the valley. He discussed the meanings of "collusion" and "bureaucrats," and he expressed concern that someone would benefit illegally from the changing of the zonings. He questioned whether areas of the City were allowed to have chickens, etc. Councilmember Menesini confirmed there were.

Marie Huffman stated that she would hate to move, but she was concerned about the manipulation and the annexation being forced on the residents, as well as the extra taxes that would result. She requested that the annexation stop.

Ken Fivella spoke against the annexation, especially how it relates to police services, which will be far less as compared to current services from the County Sheriff. He also noted that the crime rate in the City is higher than the County. He questioned what benefit will result from the annexation.

Marie Olson discussed her letter to the editor, "Suppressing the Vote in Martinez", related to the Alhambra Valley Annexation. She indicated it had been published in the Gazette and will be published in the Contra Costa Times and the Chronicle as well. She gave a copy of the letter to be added to the public record. Ms. Olson noted that the valley residents didn't get to vote regarding the \$30 million bond measure, which will result in "taxation without representation" if the annexation proceeds. She expressed her appreciation to the Council for all their time and effort.

The Council adjourned to Closed Session and reconvened with all members present as indicated.

## **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to California Government Code Section Subdivision (b) of Section 59456.9: One potential case.

Mayor Schroder reported that a Closed Session was held and direction was given to legal counsel, with nothing else to report.

## **CITY MANAGER/CITY COUNCIL**

2. Consideration of submitting request to modify boundaries of the Alhambra Valley Annexation

City Attorney Veronica Nebb presented the staff report, discussing the background of LAFCO's Municipal Service Review following which the City was asked to consider annexation of those developed subdivisions with urban services. She also noted that after the July LAFCO meeting, staff was asked to again review the proposed boundaries; with the result that staff is suggesting that the City request LAFCO to revise the boundary to include just those subdivisions as were originally contemplated, which are in fact currently receiving urban services.

Mayor Schroder opened public comment on the item. In response to a question from the audience, Mayor Schroder confirmed that a new Environmental Impact Report (EIR) would not be required because the affected area will be reduced, not expanded.

Mike Alford asked whether approving this item would mean that the City was going ahead with the annexations. Mayor Schroder said no, LAFCO would be making the final decisions. Mr. Alford asked whether the Mayor would have to recuse himself, and Mayor Schroder said no. Mr. Alford also asked about Don Blubaugh, a former City Manager for Martinez, and if he

would have to recuse himself. Mayor Schroder said no and confirmed there would be no action taken until LAFCO makes its ruling.

Ernest Lompa asked Mayor Schroder whether he received funds from developers or construction companies for his mayoral race. Mayor Schroder said it was a matter of public record that he has received some from developers and construction companies at various times. Mr. Lompa questioned whether that created a conflict of interest; Mayor Schroder replied no. Ms. Nebb clarified that the subdivisions being annexed were already developed. Mr. Lompa expressed concern about potential lot splits or zoning changes that could occur in the future. Mayor Schroder and Ms. Nebb indicated that could happen under County jurisdiction as well.

Marie Olson asked for clarification on which subdivisions would be included under the revised proposal and which would not. Councilmember Menesini reiterated that LAFCO would make the final decision as to which properties would be included.

Another speaker asked, whether the Busby property would be included. Mayor Schroder confirmed that it would not.

Seeing no further speakers, Mayor Schroder closed public comment on the item.

It was agreed by general consensus (three Councilmembers) to request that LAFCO amend the application to revise the boundary to include just the subdivisions as were originally contemplated, which are in fact currently receiving urban services.

## **ADJOURNMENT**

The meeting adjourned at 8:54 p.m. to a Regular Meeting on September 5, 2012 at 7:00 p.m. at City Hall in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk 10/3/12