

November 10, 2010  
Agenda Item 12c

Thursday, October 14, 2010

## New Rodeo-Hercules fire chief hired

By Tom Lochner  
Contra Costa Times

Posted: 10/14/2010 12:40:01 PM PDT

Charles Hanley, retired deputy fire chief in Santa Rosa, will be the new Rodeo-Hercules fire chief starting Oct. 25; he will replace interim fire Chief Alan Biagi, who stayed on when he formally retired as fire chief June 30 after a year in the top post.

The Rodeo-Hercules Fire District board on Wednesday approved a contract with Hanley for \$161,000 a year, roughly the same as Biagi's salary, said district administrative assistant Donna Heymans.

The vote was 3-0, with director Bill Prather abstaining; director Wally Trujillo was absent.

Hanley, who retired from Santa Rosa in 2008, will take the helm of a Rodeo-Hercules department with a deficit of about \$640,000 in a budget of just over \$5.1 million.

Rodeo-Hercules' two stations are part of the six-station, three-agency Battalion 7, which also includes the Pinole Fire Department's two stations and the Contra Costa County Fire District's San Pablo and El Sobrante stations.

Officials have talked about possibly consolidating with the county district or entering into a joint powers agreement with one or both of the other agencies as part of an effort to make fire protection

in the region more sustainable financially.

Prather had urged delaying the appointment of a chief until after the Nov. 2 board election, in which voters will select either two or three new board members; three seats are up for election, and Prather is the only incumbent running.

The

firefighters union, too, had urged postponing the appointment, arguing that someone with the title of chief might resist consolidation or other arrangements that could result in a lesser title for the top Rodeo-Hercules post. But board chairman J. R. Stafford said all of the finalists were well aware of the realities facing the district, including the eventuality of a future change of title for the top post.

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# Martinez News-Gazette

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Thursday, October 14, 2010

## Fire districts lose out to RDAs

By

Staff Reporter

October 14, 2010

2009-10 Fire District Revenue by City and Redevelopment Area Loss

Attachment 4

City/Fire District	Gross ABB (C)	Gross RDA Loss	Net ABB Revenue	% of District's Gross ABB	% of District's Net ABB	Face-Through Total	Net RDA Loss
Antioch	\$ 12,008,554	\$ 2,779,393	\$ 19,229,362	23.4%	33.3%	\$ 452,231	\$ 949,577
Concord	18,188,954	2,134,381	14,054,573	17.8%	17.9%	177,418	3,064,825
Clayton	2,407,237	729,841	1,677,396	2.9%	2.0%	97,897	831,544
Lafayette	1,790,428	354,154	1,436,274	3.2%	3.2%	18,548	393,880
Martinez	1,479,802	0	1,479,802	3.9%	7.1%	0	0
Orkeley	0	0	0	0.0%	0.0%	0	0
Pittsburg Hill	1,934,215	611,741	1,322,474	6.2%	6.7%	181,719	114,624
Pittsburg	17,407	0	17,407	0.0%	0.0%	0	0
Pittsburg	8,701,595	3,976,686	4,724,909	9.2%	1.3%	2,054,411	1,314,111
San Pablo	2,696,711	2,028,136	668,575	2.0%	0.8%	128,884	1,880,618
Walnut Creek	16,338,317	845,746	15,492,571	13.0%	20.1%	0	865,746
Unincorporated	16,921,461	1,818,943	15,102,518	17.2%	18.8%	176,815	1,427,069
<b>Total CCCCFFD</b>	<b>\$ 66,784,139</b>	<b>\$ 8,608,327</b>	<b>\$ 58,175,812</b>	<b>100.0%</b>	<b>100.0%</b>	<b>\$ 2,744,621</b>	<b>\$ 12,698,712</b>
Colton	18,852	0	18,852	0.0%	0.0%	0	0
Concord	4,436,915	488,588	3,948,327	48.1%	48.1%	313,658	393,102
Orkeley	1,585,577	150,407	1,435,170	17.1%	16.4%	147,862	7,549
Unincorporated	3,131,384	0	3,131,384	34.7%	36.6%	0	0
<b>Total CCCCFFD</b>	<b>\$ 9,233,679</b>	<b>\$ 638,995</b>	<b>\$ 8,594,684</b>	<b>100.0%</b>	<b>100.0%</b>	<b>\$ 461,520</b>	<b>\$ 400,651</b>
Benicia	2,481,185	841,888	1,639,297	67.3%	60.3%	229,321	712,481
Unincorporated	1,326,815	247,599	1,079,216	34.3%	39.6%	238,138	118,533
<b>Total CCCCFFD</b>	<b>\$ 3,808,000</b>	<b>\$ 1,089,487</b>	<b>\$ 2,718,511</b>	<b>100.0%</b>	<b>100.0%</b>	<b>\$ 467,459</b>	<b>\$ 830,914</b>
Hayward	11,187,866	476,568	10,711,298	28.2%	25.7%	65,376	391,188
San Ramon	18,481,615	1,238,866	17,242,749	38.1%	34.8%	216,167	1,003,387
Walnut Creek	4,128	0	4,128	0.0%	0.0%	0	0
Unincorporated	17,104,807	0	17,104,807	34.3%	31.5%	0	0
<b>Total CCCCFFD</b>	<b>\$ 41,084,421</b>	<b>\$ 1,885,482</b>	<b>\$ 39,198,939</b>	<b>100.0%</b>	<b>100.0%</b>	<b>\$ 261,543</b>	<b>\$ 1,394,575</b>

Source: Contra Costa County Auditor's Office

ATTACHMENT 4

[1]

The Contra Costa Local Agency Formation Commission – or LAFCO – reviewed Wednesday how a County-wide decline in property tax revenue and redevelopment agency funding is negatively impacting basic fire and emergency medical services.

While Mayor Rob Schroder has vocally expressed his support of establishing a Martinez redevelopment agency, as a LAFCO member charged with ensuring the “financial ability of agencies to provide services,” per a 2000 state mandate, Schroder and his colleagues are now deliberating on how the Contra Costa County Fire Protection District will counterbalance nearly \$12 million in funding lost to nine area RDAs.

A Fire Service Report prepared for the Commission’s Oct. 13 meeting by LAFCO executive officer Lou Ann Teixeira includes a table entitled ‘2009-2010 Fire District Revenue by City and Redevelopment Area Loss,’ which details how ConFire lost a gross total of \$2,134,301 to Concord’s RDA, \$5,878,606 to Pittsburg’s RDA and \$1,918,943 to the County’s RDA over the last fiscal year.

“In some areas, cities and the County have implemented extensive redevelopment projects, and growth in property taxes has accrued over the years to the redevelopment agency rather than the fire district,” wrote Teixeira. “This analysis confirms the conclusions contained in the LAFCO [Municipal Services Review] report [see [www.contracostalafco.org](http://www.contracostalafco.org)], whereby property tax shares

in those cities that have implemented extensive redevelopment, for example Pittsburg and San Pablo, are substantially lower than in other areas; and fire district revenues in these areas do not cover operating costs.”

Between the RDA loss and a \$4.9 billion decrease in the total Contra Costa County tax base, per County

Assessor Gus Kramer, the County's fire departments are facing a structural imbalance, said Texeira.

Expenditures "far exceed current revenues," and the Districts will need to funnel \$8.7 million from reserves to operating budget over the next fiscal year, resulting in a complete depletion of all reserves by FY 2011-2012, according to the report.

"A formal, long-range solution to the structural problem must be implemented in the current fiscal year," recommends LAFCO staff to prevent a \$34 million deficit at ConFire by fiscal year 2013-2014.

After attending yesterday's LAFCO meeting, Schroder addressed the loss of funding and service provision ability of ConFire due to monies taken away by the county's RDAs.

"One of the important issues that is not mentioned in the report is that in most RDA areas, most if not all of the economic development that generates the increase in property values, jobs, sales tax and economic activity would not have been generated if not for the creation of the RDA. Special Districts, such as ConFire, receive a 'pass through' of RDA monies generated that is set by statute of anywhere from 20 to 40 percent increasing over time. That is 20 to 40 percent more than they would be receiving without an RDA in existence."

As Texeira's report details, the gross loss to ConFire due to RDAs within its jurisdiction was \$15,620,227. While the District did receive \$3,714,512 in pass-through monies, the net District loss directly due to RDAs was \$11,905,715.

[News](#) [Redevelopment](#)

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## Movement on Tassajara Valley project sparks fear Contra Costa may someday allow New Farm project

By Sophia Kazmi  
Contra Costa Times

Posted: 10/14/2010 12:00:00 AM PDT

Updated: 10/14/2010 08:31:46 AM PDT

SAN RAMON -- Just weeks before San Ramon voters will decide whether to extend the city's control of growth in the Tassajara Valley -- the possibility of the county considering development in the rural area has resurfaced.

On Tuesday, the Contra Costa board of supervisors approved without discussion a contract with San Francisco-based CirclePoint to prepare an environmental report on the proposed 185-unit New Farm development in the Tassajara Valley.

San Ramon city officials have been using the threat of county-allowed development in the Tassajara Valley as the reason to add about 1,600 acres of agricultural land there, east of its city limits and west of Camino Tassajara, within its urban growth boundary. The boundary marks the area where the city will control development and provide urban services, such as police, fire and schools.

San Ramon has asked the Local Agency Formation

Commission to include that portion under its sphere of influence. If the commission approves, the city would have control of what is developed there, even though it would not be within city limits.

The extension is part of the city's 2030 general plan update, which is up for voter approval Nov. 2 as Measure W.

The three-year, \$344,512 contract does not mean environmental review is imminent, said Patrick Roche, Contra Costa County senior planner.

Plans for New Farm -- which is within no urban growth boundaries at this time -- were originally filed

with the county in 2007. A revised project description was filed in February. The project -- homes surrounded by farm land -- is proposed on 771 acres between San Ramon's and Danville's eastern limits and Camino Tassajara.

Eric Wallis, a San Ramon planning commissioner, said developers don't spend that much money on environmental review if a project is not viable.

"It shows the Yes on W (supporters) were right, that the county is processing a development plan in the Tassajara Valley," Wallis said. "And that is a threat to San Ramon."

Seth Adams of the conservation group Save Mount Diablo, which is against Measure W, said he doesn't believe the move is newsworthy. However, the timing of the consultant approval being done just weeks before San Ramon voters will decide on growth boundary extensions, did raise eyebrows.

"We were certainly curious about it," Adams said. "The timing is odd."



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The project's application is not complete, Roche said. The applicant, FT Land, LLC is missing an assessment of whether there is adequate water to serve the project, and legal analysis on why the project should be considered a rural, not an urban, project.

If New Farm was considered an urban project, county supervisors would have to change Contra Costa's general plan to add the area into its urban growth boundaries-- which would require a countywide vote.

After those items are completed, then the county can seriously study the project, Roche said.

As for the environmental review process, Roche said the county realized early on that environmental review is necessary. When the county decides to move forward with review -- which has not yet been determined -- the public will be notified, he said.

Even if the New Farm project moves forward -- which Adams doubts will occur -- he said the county proposal would be far less damaging than the thousands of homes he believes San Ramon would allow if it controlled the area.

"The real threat to the Tassajara Valley is San Ramon," Adams said.

Wallis countered that the numbers being floated for development by San Ramon are based on that which occurred in Dougherty Valley, which was planned by the county.

"There is a very real danger that the county will go ahead and permit development," Wallis said.

Staff writer Matthias Gafni contributed to this story. Contact Sophia Kazmi at 925-847-2122. Follow her at [Twitter.com/sophiakazmi](http://Twitter.com/sophiakazmi).

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# Money drained from fire services

Saturday, October 16, 2010

Districts are suffering because redevelopment areas allow county, cities to pluck from taxes, report states

By Rick Radin

[rradin@bayareanewsgroup.com](mailto:rradin@bayareanewsgroup.com)

Contra Costa County's largest fire district, which faces steep budget cuts, is losing millions of dollars in potential revenue because of redevelopment agencies established to improve blighted areas, according to a report from the county auditor's office.

The redevelopment areas, some decades old, allow cities and the county to siphon off taxes that would otherwise go to the Contra Costa Fire District and other public agencies.

As a result, the fire district lost nearly \$12 million in revenue during the 2009-10 fiscal year, the report says. Pittsburg's redevelopment agency was responsible for nearly one-third of that total.

The district's \$95.2 million budget for 2010-11 includes \$8.7 million in red ink.

"I understand the need for gentrification, but all the communities need to fund core critical services," fire Chief Daryl Louder said. "The (redevelopment areas) do adversely impact and affect our ability to do that."

Of the 10 cities the fire district serves, as well as unincorporated areas managed by the county, Pittsburg and San Pablo account for the highest revenue loss to the district as a percentage of their total contributions, according to See **FIRE**, Page **11**

## Article Continued Below

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[See FIRE on Page A11](#)

## Fire

From Page 1

the report.

Pittsburg finance director Tina Olson questioned a key assumption in the report: that property values would have risen and tax revenue increased to its present level had there been no redevelopment.

"A large part of Pittsburg was made up of poor areas where property values were low," Olson said. "There is no way of determining how much the areas would have increased in value if redevelopment had not taken place." Pittsburg established the first of its three major redevelopment areas in 1963. That agreement will expire in 2022.

The city established its second and largest area in 1979 and a third area in 1993, Olson said.

Those two agreements will expire in 2032 and 2044, respectively, she said.

"When the redevelopment agreements end, these agencies will receive a huge windfall," Olson said.

Pittsburg used \$9 million of its redevelopment income to build two fire stations in the past two years, said City Manager Marc Grisham, an investment that helps offset any loss from tax diversion to redevelopment.

But Louder said the fire station investment was comparing apples to oranges.

"Redevelopment money can only be used for certain projects and can't be put in our general fund for service delivery," he said.

Cities and counties form redevelopment areas to jump-start the improvement of blighted neighborhoods.

Property taxes dispensed to public agencies from the areas are frozen, and most of the new tax revenues are diverted to pay for residential and commercial development. Depending on when the redevelopment area was created, a certain percentage of the new revenues are sent back to the fire districts and other affected agencies based on so-called "pass-through agreements" or, for plans adopted after 1993, a set formula.

Had there been no redevelopment, Pittsburg would have paid about \$8.72 million in property tax to the fire district last year, or about 9.2 percent of the district's budget, according to county figures.

After deducting the city's redevelopment share of \$5.88 million and adding back its pass-through of \$2.05 million, the city contributed \$3.82 million less to the fire district than it would have owed without redevelopment, according to the report.

The Contra Costa Fire District is a special district that receives about 88 percent of its funding from property taxes, making it more vulnerable to downturns in the real estate market than some other public agencies that rely more heavily on other revenue streams.

Louder has proposed closing an older Pittsburg fire station and downsizing a Walnut Creek station to lower the district's deficit.

He said there is no connection between the proposal and Pittsburg redevelopment.

"(The potential closure) was based on a lot of other factors, including call volume and response times, and didn't have anything to do with the funding aspect," Louder said.

Other Contra Costa fire districts also lost some of their potential revenues to redevelopment deals, according to the report.

The struggling East Contra Costa Fire District, serving Brentwood, Oakley and unincorporated areas of East County, lost a little more than 1 percent of its budget in 2009-10, compared with 12.5 percent for Contra Costa Fire.

The San Ramon Valley Fire District lost about 2.6 percent because of redevelopment, and the tiny Rodeo- Hercules Fire District a whopping 18.4 percent, according to the report.

The agency that has the final say in determining municipal boundaries and service areas reviewed the auditor's report as part of an ongoing look at fire service finances and operations.

"In the last few months, the focus has been on what impacts fire service revenues are having on service delivery, and this is where the issue of redevelopment has come up," said Lou Ann Texeira, executive officer of the Contra Costa Local Agency Formation Commission.

Contra Costa Fire has an expenditure problem along with its revenue problem, county officials say.

An average of 80 percent of the fire districts' budgets go to salaries and benefits, according to the Local Agency Formation Commission's review.

Contra Costa Fire District firefighters enjoy 3 percent-at-50 pension deals, meaning they can retire at age 50 and receive 3 percent of their final salaries annually for every year they have worked.

Pension and benefit costs often make it less expensive to use overtime rather than hire new workers, according to county Human Resources Director Ted Cwiek.

The firefighter with the most overtime supplemented his \$96,000 base salary with \$136,000 in overtime last year.

In addition, firefighters are due 2.5 percent wage increases July 1, 2011, and Jan.

1, 2012.

## How Part of Richmond's Domain Joined El Cerrito — a Map Maker Called LAFCO

The eastern side of the El Cerrito hills was originally assigned to Richmond's natural "sphere of influence," but a county agency named LAFCO stretched El Cerrito over the ridge to the other side.

El Cerrito's general shape has not changed much since the day it was founded.

Every city is considered to have a natural "sphere of influence," and it is unusual for a city to expand beyond its normal sphere of influence. The sphere of influence for many cities in our region, including El Cerrito, is often thought of in terms of the Mexican land grants from the 1800s, or legal subdivisions of those land grants. The original Mexican land grants for today's southwest Contra Costa County made everything west of the top of the hills part of Rancho San Pablo, while everything east of the top of the hill was part of Rancho El Sobrante (today's Wildcat Canyon Park.) This plan made good sense in the early 1800s, when there were few people around and the Spanish gentlemen who received the land grants settled disputes amicably between themselves instead of pulling out their GPS devices and calling their lawyers.

The eastern limit of Rancho San Pablo has always been considered the eastern limit of El Cerrito's sphere of influence, while Rancho El Sobrante was traditionally considered a part of Richmond's sphere of influence. The line between the two was drawn as a straight line (even though a line marking the "top of the hills" wasn't.) Before most of the old Rancho El Sobrante land grant became Wildcat Canyon Park in 1976, the City of Richmond had big plans for Wildcat Canyon. The general plan showed significant residential development, a school, and a fire station for the area. At one point there had even been a shopping center proposed as far south as the area just east of Kenyon Avenue in Kensington — and it would have been a part of Richmond.

So naturally Leneve Place, Villa Mira Visa, and other subdivisions east of the ridge top in El Cerrito were developed as a part of Richmond. Over time, the remoteness of the so-called "Ridge area" developments from their "home" city of Richmond became more obvious. California law requires that every county have a Local Agency Formation Commission (LAFCO), whose purpose is to control the contours of the existing and proposed incorporated cities in the county. The odd layout of the city limits in the ridge area, once Richmond's big plans for Wildcat Canyon were formally discarded in the 1970s, caused LAFCO to move the ridge area developments out of Richmond's sphere of influence and into El Cerrito's. But redefining spheres of influence does not change city boundaries; that is up to the citizens. That is why some of the subdivisions in the ridge area are today a part of El Cerrito; while Villa Mira Vista is a part of Richmond even though it is an "island" disconnected from the rest of the city.

*Editor's note: Much of the information in this story appeared in a longer, more detailed version in [April \(spring\) 2008 issue of the The Forge](#), published by the El Cerrito Historical Society.*



## Hercules interim city manager rolls up sleeves and dives in

By Tom Lochner  
Contra Costa Times

Posted: 10/20/2010 10:27:19 PM PDT

Updated: 10/20/2010 10:27:19 PM PDT

Hercules' new interim city manager, Charlie Long, said he will look at the performance of the city's administration and its employees before getting into the nitty-gritty of the city's numerous projects, with an exception: the development of the Hercules waterfront and an intermodal transit center.

"This is a very forward-looking project," Long said this week. "I think the city is working very hard to create a unique place, one that creates community identity."

Long, who began in his new post Monday, said he also soon will tackle the issue of where Hercules' sewage will be treated in the future; currently it goes to the Pinole/Hercules wastewater treatment plant. City Manager Nelson Oliva, who is on medical leave, has said that Hercules will end its arrangement with Pinole and convey its sewage to the West County Wastewater District treatment plant in North Richmond, but the Hercules City Council has not formally ratified the decision.

Long said he needs to determine "how irrevocable" that decision is.

But he said his goal is "not to end up the project manager for every project."

"The city manager is not the one that has all the details," he said this week. "The city manager's role is to make the city productive, to respond to public concerns... to build a strong organization and to increase the capacity of the people who work for it."

Long said he has spoken to a principal of the waterfront developer, AndersonPacific

LLC, to identify key issues that need to be addressed; he said he hopes to have weekly meetings with the developer to follow up, starting in about a week or a week and a half.



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## Marsh Creek, Morgan Territory residents fight to keep fire station open

By Paul Thissen  
Contra Costa Times

Posted: 10/21/2010 02:31:10 PM PDT

Updated: 10/21/2010 04:00:03 PM PDT

CLAYTON -- This year, it is the end of fire season that worries residents along rural Marsh Creek and Morgan Territory roads.

When the season ends in November, their fire station is set to close, putting the nearest district fire crew in Brentwood, 16 miles away, down a winding, two-lane road. As a result, some homeowners have learned that their insurance premiums may triple or more, if they can get insurance at all.

And they wonder how long it will take for a fire crew from Brentwood to reach them if there is a fire.

The East Contra Costa Fire District's Marsh Creek Road station is not the only fire station in the area to close amid the flailing economy, but its remote location means nearby residents could be facing response times of 20 minutes, according to Chief Hugh Henderson. Residents fear times would be longer than that.

The rural area is part of the East Contra Costa Fire District, but the fire station on Marsh Creek Road is run by CalFire. In years past, the district had paid

CalFire to keep the station open all year. But the district eliminated that \$366,000 contract in June budget cuts.

Now the station will only be open during fire season -- May through November.

There also is a fire station in Clayton, part of the separate Contra Costa Fire District. Thanks to an agreement between the districts, trucks from both agencies respond when there is a fire.

But the Clayton station isn't close enough to quell

insurance providers' concerns -- and even if it were, it would not count because it is part of another fire district.

With the closure of the Marsh Creek Road station, many of these households would be more than five miles from the nearest fire station -- a cutoff for insurance companies.

Insurance broker John Trammell has a client in the area -- and he does not know whether that resident will still be able to get coverage.

"I'm not sure which insurance company I'm going to be able to get him with," said Trammell, of All Star Financial and Insurance in Dublin.

Initially, the underwriter thought the premium on his client's log home would double -- from about \$2,200 to about \$4,400. But after a closer look, they declined to offer coverage at all.

The East Contra Costa district decided to close the Marsh Creek station in part because of the low volume of calls -- about 60 over the course of the winter season, fire district board President Erick Stonebarger said. With a \$366,000 contract, those are expensive calls, especially when other stations



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get more than five calls per day.

Even with the station on Marsh Creek Road open, some homes in the district are still more than five miles from a station.

"They still live in an area that's pretty far out there," Stonebarger said, and they still will see a response from other stations. "It's not that they're not covered."

After community meetings protesting the station closure drew more than 100 people from the rural areas east of Clayton, Stonebarger put the CalFire contract on the agenda for the board's Nov. 1 meeting. But he's not sure anything will change.

"I just want there to be plenty of opportunity to have that conversation," Stonebarger said.

Residents in the area have formed committees to explore their options. These include leaving the district, either to form an independent district or to join another neighboring district, such as the Contra Costa Fire District or the San Ramon Valley Fire District, said resident Cheryl Morgan.

The group is also looking at whether it can legally challenge the decision to end the contract, because the public meeting notices were printed in East Contra Costa County newspaper editions that do not circulate where they live.

Morgan said the contract should be reinstated because residents in the area pay some \$400,000 annually in fire district taxes, more than the CalFire contract cost.

When a house catches fire, the closest five fire trucks respond -- not just the one from the CalFire station, East County Chief Henderson said.

The East Contra Costa Fire District serves Brentwood, Oakley, Byron, Discovery Bay and other unincorporated parts of the county. In this year's budget, approved in June, the district also cut its stations in Bethel Island and Byron. The district already does not have a paramedic on each fire engine, as other area districts do.

Even with the cuts, the district -- which covers 249 square miles -- will still spend \$1.8 million more than the \$7.9 million in revenue it projects for the coming year, Henderson said.

"We're stretched thinner now than we were," Henderson said. "We're trying to work within our budget without going bankrupt, too."

Contact Paul Thissen at 925-943-8163. Follow him at [Twitter.com/pthissen](https://twitter.com/pthissen).

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## Concord OKs three-home subdivision despite flood worries

By Paul Thissen  
Contra Costa Times

Posted: 10/21/2010 06:22:22 PM PDT

Updated: 10/22/2010 05:34:49 PM PDT

CONCORD -- No one disputes that the new houses will flood. They are to be built in a flood plain, after all.

The question is whether they will ease the flooding of their neighbors' houses, or make it worse.

On Wednesday, the planning commission approved the three-parcel subdivision of the plot at 1611 Ayers Road, rejecting an appeal from neighbors who said the project would worsen an already bad flooding problem.

The approval subdivides a single parcel into three plots, allowing three houses to be built. Plans for the houses have not been submitted. The commission added two conditions to the approval -- one requiring an additional storm drain and one requiring the developer clear the streambed of debris, which is already required of property owners.

Wednesday's planning commission decision can be appealed to the City Council. On Thursday, neighbor John Sandusky, who filed the original appeal, said there was a "51 percent chance" he

would appeal again.

Before building houses in the flood plain, Discovery Builders will have to follow Federal Emergency Management Agency guidelines, including "vented" crawl spaces and garages that allow water to flow through -- under the houses -- in the event of flooding.

Neighbors came armed with dramatic photos of previous floods, with raging torrents racing down Mount Diablo Creek -- right behind the project site -- and floodwaters spilling over that property and the neighboring ones.

But

the project should actually improve neighbors' chances in a flood, senior planner Frank Abejo said, because the new houses will be built according to FEMA guidelines -- unlike the two existing houses on the site, which will be demolished.

"This project will not increase flooding, and in fact will improve existing conditions," Abejo said.

Until 2008, FEMA rules would have prohibited the project entirely, because the houses would have been in a flood way, not just a flood plain. A flood way is the section with high volume, high velocity water flows; a flood plain is where water pools.

But after Discovery Builders sent the federal agency a new hydrology study, FEMA redrew its flood map in 2008, reducing the size of the flood way.

Sandusky said the project is moving too fast, and without enough assurance it will not make flooding problems worse.

"If this development is going to go through, we're asking you to do it right," Sandusky said.



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Lori Treviranus, an engineer hired by Sandusky, said the flooding shown in Sandusky's photos is not explained by FEMA's maps or the studies provided by the developers. Those floods were much smaller than 100-year floods, she said, but more area was flooded than the FEMA map would suggest. She said the creek should be studied in more detail.

Sandusky also said Wednesday that Discovery Builders received special treatment. Discovery installed a drainage pipe on the property and razed an old barn, both without permits, he said. Earlier in the meeting, Abejo referred to the barn as if it still existed.

Sandusky also said that, at an earlier public meeting, Jackie Seeno of Discovery Builders made a comment indicating an earlier deal with Concord planners. "Gentlemen, you assured us there'd be no problem subdividing this property before it entered escrow," Sandusky quoted Seeno as saying during a previous public meeting.

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## Hercules' Field of Dreams in limbo

By Tom Lochner  
Contra Costa Times

Posted: 10/21/2010 09:52:39 PM PDT

Updated: 10/22/2010 05:32:49 PM PDT

In 2008, the Hercules City Council approved a license agreement with Big League Dreams USA for a sports complex with scaled-down replicas of Major League Baseball parks. Intended to emulate the success of the company's other facilities in California, Texas, Arizona and Nevada, Hercules' Big League Dreams park would be a regional draw for youth and adult leagues and tournaments, sports camps and special events, and possibly a catalyst for hotel, restaurant and other development along the Highway 4 corridor.

Normally, Big League Dreams parks take about two to three years to build, a development consultant for the Chino Hills-based company said this week -- if the host government entity controls the land.

But Hercules' choice of a Big League Dreams site lies outside the city limits in unincorporated territory. And the city has scaled down, at least temporarily, plans to annex some 500 acres along the Highway 4 corridor; its current application to the Contra Costa County Local Agency Formation Commission to annex 77 acres does not include the sports park site.

Moreover, the owner of the site, C.S. Land Inc., a subsidiary of the oil company ConocoPhillips,

seems in no hurry to make a deal, raising the inevitable question whether Hercules' big-league dream will remain just that in the foreseeable future.

The council appropriated \$750,000 in July 2008 for a planning, design and consulting agreement with Big League Dreams' consulting arm,

to be paid in phases, and followed that with a \$450,000 license agreement with Big League Dreams USA in November 2008, payable in full within 30 days of signing.

Hercules City Manager Nelson Oliva told the City Council on Nov. 25, 2008, that the license agreement would provide a 35-mile exclusivity radius that would cover much of the Bay Area, including San Francisco. Oliva currently is on indefinite medical leave.

In March 2009, the council approved consultant contracts for \$392,000 with Stevenson, Porto & Pierce Inc. and \$60,000 with Lelan Inc. to assist with the annexation.

In October 2009, the council approved an additional \$203,500 for Stevenson, Porto & Pierce Inc.; and in March 2010 and July 2010, the council approved additional contracts of \$30,000 and \$60,000 with Lelan related to the annexation effort. Former City Manager Mike Sakamoto also is a consultant to the city on the project.

Big League Dreams operates its parks under contract with host cities, which assemble the sites and build the parks. A maintenance-and-operations agreement approved by the Hercules City Council in November 2008 calls for the company to pay the city 6 percent of gross revenue with a guarantee of \$100,000 a year.

In Manteca, the site of the Big League Dreams park



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closest to Hercules, the company paid \$285,000 to that city in a 12-month period ending in September 2008.

The site Hercules selected for its Big League Dreams complex comprises about 30 to 40 acres on the north side of Highway 4 near the ConocoPhillips coke plant.

Big League Dreams development consultant Pat Kight said he communicated with the city about two months ago and had come away with the notion that "everything was moving along."

"There was nothing to indicate any roadblocks or potential problems that I was aware of," said Kight, a former councilman in Redding, the location of one of six Big League Dreams parks in California, among 10 nationwide. "To the best of my knowledge, they're still looking through the entitlements, doing the EIR and the annexation," Kight said.

An environmental document describing the annexation project is available on the city website at [www.ci.hercules.ca.us/index.aspx?page=600](http://www.ci.hercules.ca.us/index.aspx?page=600).

The 77-acre area the city has applied to annex is wedged between the Franklin Canyon Golf Course and the Burlington Northern Santa Fe railroad tracks and includes 44 acres of Caltrans right-of-way and several industrial businesses along the divided freeway. The Big League Dreams site lies northwest of the 77-acre assemblage.

"We experienced some difficulty gaining access to some of the large parcels, one of which is the proposed site for Big League Dreams," Hercules spokeswoman Michelle Harrington wrote in an Oct. 8 e-mail. "As a result, we could not perform some of the environmental work that is needed to annex the entire 500 acres. "The city will continue its efforts to annex the entire 500 acres and is evaluating its

options internally," Harrington continued.

After repeated inquiries from Bay Area News Group over several weeks, a ConocoPhillips official responded last week.

"I don't have anything to say about the plan that the city of Hercules has," company spokesman Mark Hughes said in a voice mail. "In fact, I'm hardly aware of it. I haven't heard anything about it for probably a year or two, so there's nothing for me to say on that."

Interim City Manager Charlie Long, who started Monday, said Tuesday he has not had a chance to study the Big League Dreams matter.

Contact Tom Lochner at 510-262-2760.



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## GOVERNMENT

## Patch Primer: Franklin Canyon Annex

An introduction to the 77-acre annex that could pave the way for Big League Dreams stadium in the city.

By **Abraham Aboraya** 5:50am

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Be the first of your friends to recommend this.

As early as January, 77 new acres of land could be annexed into the City of Hercules, the first step in a larger plan to bring in a **Big League Dreams** (<http://www.bigleaguedreams.com/>) replica sports stadium in the city.

The area is on the north side of the city in the Franklin Canyon area of Rodeo, an unincorporated area of the county, by state Route 4 and is called the Franklin Canyon-Eastern Panhandle area by the city. The city's boundaries already butt up to the south end of SR 4, at the Franklin Canyon Golf Course, which was annexed into the city in 1992.

The city plans to have the Planning Commission review environmental impact documents in November and have the City Council examine it as early as January, according to the city's [website \(http://www.ci.hercules.ca.us/index.aspx?page=600\)](http://www.ci.hercules.ca.us/index.aspx?page=600).

Ultimately, annexations have to be approved by the Local Agency Formation Commission (LAFCO) before the city can annex the areas.

For several years, the city has actually had its eyes on a much larger, 500-acre annexation to make way for a replica stadium from Big League Dreams. The city said that they've been having trouble getting on the property to do the necessary environmental studies. The Franklin Canyon annex is included in that 500-acre piece.

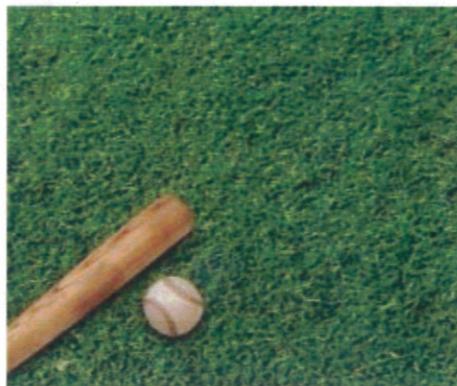
"We are continuing with that process, but there was some difficulty in gaining access to the land to do an environmental study required to do annexation," city spokesperson Michelle Harrington said. "We're evaluating our options."

### Who's there now?

Businesses in the area include the following: The vacant Yellow Freight building; a contractor's office and storage yard; the Asbury Graphite manufacturing plant; Levitrol water treatment contractor (they also do business as Envirotrol and LoPREST); and an AT&T telecommunications switching building. There's also some undeveloped parcels.

Overall, there are nine property owners in Franklin Canyon, with the biggest shareholder being the State of California Department of Transportation (Caltrans) owning more than 44 acres of land. Most of that land is the right-of-way for SR 4.

One of the properties is currently under a Williamson Act Land Conservation Contract, which means that the property owner gets a tax break for keeping the property in agricultural and open-space use (and the county gets a stipend from the state to help cover the cost). The city has said they would keep that land as open-space if annexed.



PHOTOS (1)



PDFS (2)



### Would this mean more development?

That's a tough question. Harrington pointed out that there are no plans underway for development in the area. But if the city is able to annex the full 500-acre area and have a stadium built, Franklin Canyon would suddenly become much more attractive to developers.

From a zoning perspective, most of the land is zoned Public or Semi-Public (this is the land owned by Caltrans on the SR4 right of way). Most of the rest of the land is zoned for light industrial uses or heavy industrial uses.

If Franklin Canyon is annexed, the area would be zoned in the city as Planned Commercial-Industrial, which would potentially open the land up to more developments. Overall, if the entire 77 acres of land were developed to the full extent of the Commercial-Industrial zoning, the annex has the potential to develop an additional 190,402 square feet of commercial or industrial space.



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## Report: Contra Costa pension fund is set to go broke

By Matthias Gafni  
Contra Costa Times

Posted: 10/25/2010 12:00:00 AM PDT

Updated: 10/26/2010 08:53:07 AM PDT

Contra Costa may empty its retirement investment fund in 15 years, leaving the county and taxpayers responsible for \$795 million in annual payments, two professors predict.

As the county struggles to maintain its promised pensions, the retirement system will be forced to sell off assets, leaving its entire investment portfolio empty by 2025, they write in a study published this month.

To continue doling out retirement checks, Contra Costa will need to spend nearly 40 percent of its entire revenue stream on its pension obligations, they estimate.

"What is clear is that state and local governments in the U.S. have massive public pension liabilities on their hands, and that we are not far from the point where these will impact the ability of state and local governments to operate," wrote University of Rochester researcher Robert Novy-Marx and Joshua Rauh of Northwestern University.

They examined 77 pension plans sponsored by 50 major cities and counties -- Contra Costa among

them -- representing about two-thirds of municipal workers nationwide who contribute to a city- or county-run system. Many large Bay Area counties whose employees participate in the state's CalPERS pension program were not included.

Today, every Contra Costa household would have to pay \$12,771 to eliminate the county's unfunded pension liability, the second highest per-capita cost nationwide among the counties studied.

The total unfunded liability for

city and county pension plans in the United States is an estimated \$574 billion, the authors estimate.

In a previous report, the two estimated state plans nationwide have a \$3 trillion unfunded promise.

The study predicts that Contra Costa's retirement system will empty its investment portfolio in 15 years, even with 8 percent investment gains. Unless the stock market goes wild, the county would have to find revenue or make significant cuts to meet its pension promises. The following year, according to the report, Contra Costa would need to pay \$795.1 million in pension benefits, 39 percent of its total tax revenue.

"How can you hide this any more? It's the 800-pound elephant in the room," said Bill Pollacek, Contra Costa's retiring treasurer.

The study authors calculated pension obligations using a much lower assumed rate of return on investments than most public funds.

Although most retirement agencies assume an 8 percent return on their stock market investments -- Contra Costa's assumes 7.75 percent -- the professors assert that such an actuarial practice "does not reflect the risk of the liabilities." They



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instead base their calculations on returns of about 4 percent.

An 8 percent investment assumption is too optimistic and "runs counter to the entire logic of financial economics," Novy-Marx and Rauh wrote.

"If systems want to be able to tell their employees that the benefit stream is safer than a portfolio of stocks and bonds," they should use a more conservative investment return rate, the authors wrote.

Using the more conservative rate increases Contra Costa's unfunded liability to \$5 billion.

"However you calculate the liability, it's significant," said Contra Costa Supervisor John Gioia, of Richmond, who sits on the county retirement board. "We know we have an increasing pension liability that is significant and is not sustainable."

Contra Costa's retirement fund return for the 20-year period ending June 30 was 8.6 percent, he added.

Even so, he said, in the next round of Contra Costa's labor negotiations, pension reform will be the No. 1 goal.

County Administrator David Twa also has been warning of the county's unrealistic assumption. "Probably around a 6 percent rate is a more realistic rate," he said, citing the stock market's 30-year average.

"Is our pension sustainable? You've heard me say this a million times. No, it is not," he said. "I think this (report) presents a sobering view. "... It points out that we need to do something about this."

Twa repeatedly has warned that by 2015, the county

will need to pay \$266 million for pensions, assuming Contra Costa's retirement fund earns its projected 7.75 percent investment return.

Fixing the problem will require new retirement contribution tiers for new hires, having current employees raise their retirement contributions and other strategies, Twa said.

Pollacek also says the Contra Costa County Employees' Retirement Association should lower its investment expectations.

"When you look at the assumed investment rate, most of today's experts say you're lucky to make 5 to 6 percent and maybe that's the 'new normal.' Well, if you look back before 1982, that was the normal.

"How long are we going to keep kicking the can down the road?"

California, which has the largest U.S. public pension fund, faces equally challenging obstacles to meet retirement promises.

The California Public Employees Retirement System, California State Teachers Retirement System and University of California Retirement System will have combined liabilities of more than 5.5 times the state's annual tax revenue by 2012, according to a study released Oct. 20 by the Milken Institute.

### Contact Matthias Gafni at 925-952-5026.

online  
To view the entire pension report which includes Contra Costa, Alameda, San Joaquin and San Mateo counties, and the cities of San Francisco and San Jose, go to [www.conracoatimes.com](http://www.conracoatimes.com) or [www.kellogg.northwestern.edu/faculty/rauh/research/NMRLocal20101011.pdf](http://www.kellogg.northwestern.edu/faculty/rauh/research/NMRLocal20101011.pdf)



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# Oakley considers program to preserve agricultural land

By Hannah Dreier  
Contra Costa Times  
San Jose Mercury News

Monday, November 1, 2010

Posted:

OAKLEY -- After tossing around the idea for years, city leaders recently agreed to explore setting up a program to preserve farmland.

Several local grape growers have expressed interest in preserving their vineyards and opening wine tasting or event centers. Owners of property designated for commercial or residential use in the city's general plan could ensure that the land is never developed if the city adopts such a program.

With its sandy soil, warm days and cool nights, Oakley has been producing award-winning wine grapes since the turn of the 20th century.

"The ancient grapevines in Oakley are truly unique," said Joe Ciolek, of the Agricultural Natural Resources Trust of Contra Costa County. "Anything that can be done to preserve vines that are more than 100 years old and still producing is of interest to us."

One option for the city is establishing a conservation easement system similar to ones in Brentwood, Livermore and Pleasanton.

In a conservation easement, the owner gives up the right to subdivide and sell the property to developers, often in exchange for some monetary benefit. The agreement is recorded against the property and legally binding. Growers may be compensated with funds from state and foundation grants, or with tax benefits.

Easements could affect city tax revenue, Community Development Director Rebecca Willis said, and would have to be granted on a case-by-case basis.

Oakley has been among the fastest-growing cities in the state in recent years. Alan Lucchesi, who makes his living looking after Oakley's vines, estimates that 50 percent of Oakley's vineyards have been uprooted since the 1980s.

City Council members expressed a desire to add an "off ramp" clause into the preservation agreements should farming become impractical because of soil depletion or for other reasons. They also emphasized the importance of making sure the preservation program goes hand in hand with economic development.

Ciolek emphasized the potential revenue generators, such as bed-and-breakfast establishments and tasting rooms, that can accompany preserved farmland. He said his organization wants to work with the city to ensure that the protected land is farmed in a way that maintains its fertility.

"There's no sense in conserving land that can no longer be used productively," he said.

These and other questions will be ironed out in the coming weeks and months by a newly formed conservation committee consisting of landowners, farmers and officials. Council members Bruce Connelley and Kevin Romick have volunteered to sit on the committee.

"This is something we've been in fits and starts with for over 4½ years," Romick said.

Among the local farmers lobbying for a preservation program are Linda Ghilarducci and Robert Harris, who own 23 acres of vines in town.

Determined to be buried among her vines, Ghilarducci is working toward opening a tasting room adjacent to her vineyard. She thinks it is important to preserve the city's agricultural heritage.

"It is like having gold with 109-year-old vines," she said.

Contact Hannah Dreier at 925-779-7174. Follow her at [Twitter.com/hdreier](https://twitter.com/hdreier).

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# East Contra Costa Fire District mulls direct election of board members

Wednesday, November 3, 2010

By Rowena Coetsee  
Contra Costa Times  
Contra Costa Times

Posted:

BRENTWOOD -- Directors of the East Contra Costa Fire District are considering asking voters whether they want a direct say in who oversees the agency.

The district's board this week discussed the two-step process of changing the way it is chosen, as well as the potential cost and timeline of any changes.

The fire district was formed by the consolidation of three smaller districts in 2002, making it the second-largest fire district in the county.

Stretching from the eastern foothills of Mount Diablo to the county line just past Discovery Bay, the district encompasses 249 square miles and is home to an estimated 105,000 people.

The county Board of Supervisors governed the agency until it decided last fall to allow the Brentwood and Oakley city councils to appoint their own representatives to the board.

The nine-member body that took office in February comprised seven City Council members along with two individuals the county supervisors selected from East County's unincorporated communities.

For voters to choose the district's directors themselves, they first must approve changing the selection method with a majority vote and then designate who they want to run the agency in a separate election.

If the public goes to the polls to decide these two matters, the soonest the district could hold the election to change the selection process is June 2011, followed by a second vote in November to elect directors.

But that's a costly approach, cautioned Jim Karpiak, the fire district's attorney, noting that the county would charge roughly \$4.50 for each of the district's approximately 53,000 to 54,000 registered voters to hold an election.

A potentially more economical way would be to have residents vote by mail, Karpiak said, although he won't have cost estimates until the board's Dec. 6 meeting.

State law allows mail-in elections to be held in May and August.

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# Marsh Creek-Morgan Territory fire service to continue

By Rowena Coetsee  
Contra Costa Times  
San Jose Mercury News

Wednesday, November 3, 2010

Posted: 11/02/2010 08:34:37 AM PDT

OAKLEY -- Responding to pleas from anxious homeowners, the East Contra Costa Fire District board on Monday reversed its decision to cancel service to the Marsh Creek-Morgan Territory area.

Directors voted 8-1 to renew the agency's \$366,000 contract with Cal Fire, which had been providing fire protection on the district's behalf during the off-season from a station that the state agency owns in that region.

Director Bob Brockman cast the dissenting vote, saying the action was inconsistent with the district's decision to close two of its own stations in mid-July in an effort to balance its budget.

Hard-hit by plummeting property tax revenue, the agency is projecting to end the current fiscal year with a \$1.8 million deficit and is expected to exhaust its reserves before the end of 2012-13.

Homeowner Rick Bell voiced the worries of many in the near-capacity audience as he told the board that his insurance company will cancel his policy Nov. 14 because he now lives in an area with inadequate fire protection.

During the six months of the year that Cal Fire has been operating its so-called Sunshine station, the response time to emergencies in that region has been approximately 10 to 12 minutes.

Closing the facility is expected to increase that to an estimated 20 minutes because engines would be coming from Clayton and Brentwood, which are roughly 7 and 14 miles away, respectively, said Fire Chief Hugh Henderson.

Insurance companies still willing to do business with residents have reacted to the increased risk by jacking up their rates: Bell said he found one that's charging \$4,290 annually and providing significantly less coverage than what he bought last year for \$1,428.

Speakers also underscored the other dangers that come with living in their rural community and might require medical intervention.

Vehicles have collided with wild pigs and deer, said Susan Klekar, adding that rattlesnakes are another hazard.

Others noted that the winding and narrow Morgan Territory Road is a magnet for young drivers looking for high-speed thrills.

To wait 20 minutes for emergency help to arrive not only puts drivers at risk but affects visitors to Mt. Diablo State Park as well as to portions of the East Bay Regional Park District, said Dan Henry.

"Some decisions cry out to be reversed and this is one of those," he said.

A Cal Fire representative at the meeting explained that it could take 45 days to reopen the station because the contract must go through the state's approval process all over again and seasonal workers have to be rehired.

Exactly how East Contra Costa Fire District will come up with the money remains to be seen.

Director Jim Frazier said he has been talking with state Sen. Mark DeSaulnier about whether there are state funds that might be available to the district. He also urged listeners to call DeSaulnier's office themselves to plead their case.

Chris Finetti, another board member, reminded listeners to vote for the parcel tax that the district is considering putting on the ballot next year, and Frazier asked his colleagues to consider generating revenue by establishing developer fees for new homes built in the district.

# Poll to gauge support for fire tax with service cuts looming

By Matthias Gafni  
Contra Costa Times  
Contra Costa Times

Wednesday, November 3, 2010

Posted: 11/02/2010 03:51:57 PM PDT

Would you support a \$72 annual parcel tax to support fire suppression services and avoid station closures?

This question and others may be posed to residents served by the financially strapped Contra Costa County Fire District as a consultant prepares to poll them by phone and mail.

Supervisors voted unanimously Tuesday to pay about \$66,500 to SCI Consulting Group to conduct the polling, which could start as early as next week.

On Sept. 28, the board agreed to use \$8.7 million in reserves, defer \$4 million in workers' compensation payments and look into a parcel tax to address the structural deficits the department faces in the immediate future.

The district also is planning to shutter 1.5 fire stations after holding board workshops with the community.

The department expects to deplete its reserves by next fiscal year, making the need for parcel tax revenue immediate, said Chief Daryl Louder.

"We're at the point where we're potentially looking at service delivery reductions," he said, adding his department has cut and consolidated as far as it can.

It would take a \$72 annual parcel tax from all the homeowners served by the large district to cover the district's shortfalls, estimated the chief.

Supervisors would have to approve a ballot measure for the June 7 primary election by March 11. The consultant planned to wait a week to 10 days after Tuesday's election to begin polling and may wait even longer depending on results.

Supervisor Susan Bonilla and others on the board were concerned about election fatigue.

"We get one shot to do this," Supervisor John Gioia said. "I don't want to rush something through."

The board could also place the parcel tax on next year's November ballot.

The consultant will first target 800 likely voters by phone asking questions on topics such as: importance of issues, reasons of opposition, tax threshold, related attitudes toward emergency medical services and demographics.

Based on phone survey results, the consultant will fine-tune the mail portion, targeting homeowners who are not registered to vote, but likely to participate.

The fire department receives 88 percent of its revenue from property taxes, and with assessed valuations dropping the past two years, the district has struggled to balance its budget. In addition, firefighters are due 2.5 percent wage increases July 1, 2011, and Jan. 1, 2012.

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