

## Contra Costa Times editorial: Preserve the limit line in Tassajara Valley

By ???  
Contra Costa Times

Posted: 03/24/2011 04:00:00 PM PDT

Updated: 03/24/2011 05:12:55 PM PDT

CONTRA COSTA County's urban limit line was designed to preserve open space and curb suburban sprawl. It has been successful since it was established by the Board of Supervisors in 2000 and reaffirmed by countywide voters in 2006 and by San Ramon residents last November.

Unfortunately, some property owners and developers see the line as a challenge, not a limit. Such is the case with landowner Samir Kavar's proposed New Farm development in the Tassajara Valley, east of Danville and San Ramon.

To bypass the urban limit line law, New Farm is being presented as a rural scattering of 177 houses on one-acre lots, a portion of which would be devoted to olive trees.

The so-called agricultural use would be enforced by homeowners CC&Rs (codes, covenants and restrictions). Homeowners could farm the land themselves or hire a contractor. Of course, the CC&Rs could be altered at a later date.

Project manager (and promoter) Tom Koch describes New Farm as rural in nature, similar to development in the Tuscany region of Italy. He said, "We wouldn't waste everyone's time if we didn't believe our project was consistent with the goals of the urban limit line."

However, there is a vast difference between what Koch believes and the real purpose of the urban limit line. New Farm is hardly a rural-agricultural development. It would be suburban sprawl with some olive trees.

Currently, the land

outside the urban limit line is truly agricultural, with zoning that limits just one housing unit per 80 acres.

New Farm developers want the county to create a whole new general plan designation, misnamed "rural mixed use," that would allow suburban homes outside the urban limit line. They also would need a zoning change to permit far denser housing on open agricultural land.

Creation of a "mixed use rural" designation also could jeopardize funding for roads because it would violate voter-approved Measure J.

Most significantly, if the county were to approve such a land-use scheme for New Farm, it would set a dangerous precedent that would threaten urban limit line protections elsewhere in the county.

We trust that the Board of Supervisors will not be influenced by romantic visions of reproducing a bit of Tuscany in Tassajara Valley and will understand that constructing 177 homes and an apartment complex on open space is hardly consistent with the goals of the urban limit line.

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Agenda Item 12c

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## Antioch, county commit to resolving land-annexation issues

By Paul Burgarino  
Contra Costa Times

Posted: 03/23/2011 06:00:09 PM PDT

Updated: 03/24/2011 05:52:14 PM PDT

MARTINEZ -- Antioch can provide water service for a \$650 million power plant outside its jurisdiction, but it must do a better job of showing the agency that oversees Contra Costa boundary changes that it is working with the county toward annexation.

Local Agency Formation Commissioner Dwight Meadows withdrew a request to reconsider a decision allowing Antioch to provide temporary water services for GenOn Energy's planned generating station northeast of the city.

Antioch and county leaders assured the commission at a special meeting Wednesday that they were committed to creating a tax-transfer agreement that would lead to the city's annexation of the land.

Commissioners expressed frustration this month over a lack of progress to resolve financial differences, mainly because of the casual language used in a monthly progress report.

County Supervisor Federal Glover, who sits on the commission, assured his colleagues that both sides are working hard.

"We're making sure this process is being handled expeditiously. There's a commitment from the city and the county and the developer to move this forward," Glover said.

Antioch City Council members Gary Agopian and Mary Rocha echoed Glover's sentiment.

Antioch City Manager Jim Jakel told commissioners that a facilitator would be hired to assist the two sides in creating a tax-sharing agreement. GenOn would pay that cost.

The city and county will try to create a

tax-sharing agreement by the end of the year, Jakel said. A member of the Local Agency commission was invited to sit on a city and county subcommittee to monitor progress.

Meadows said he never opposed the project but wanted to make sure that Antioch and the county were taking the annexation seriously.

The city and county must address several issues before annexation, including the cost of adding water and sewer lines in a neighborhood off Viera Avenue that drew international attention in 2009 because of the Jaycee Dugard kidnapping case. The Local Agency commission wants the city to annex that land along with the industrial area where the power plant is planned.

GenOn President John Chillemi reiterated a promise that his company would give \$1 million to Antioch and \$1 million to the county if annexation is completed before the end of 2012.

Construction on the power plant is expected to start next month.

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## East Contra Costa sanitation district awarded \$1 million for energy project research

By Paul Bugarino  
Contra Costa Times

Posted: 03/24/2011 04:06:52 PM PDT

SACRAMENTO -- A Bay Area coalition led by a local sanitation district was awarded nearly \$1 million this week by the California Energy Commission to research a regional project that would convert wastewater residue to energy.

Delta Diablo Sanitation District, which serves Antioch, Pittsburg and Bay Point, will use the \$999,924 to develop, demonstrate and implement the system.

Biosolids are the semisolid materials left when wastewater is treated. The research will examine Richmond-based Intellergy Corp.'s concept of using steam and carbon dioxide to turn the biosolids into a gaseous fuel known as syngas.

"By studying how to use biosolids more effectively, California will generate energy from previously untapped waste streams and reduce the volume going into our state's growing landfills," commission Vice Chairman James Boyd said in a news release.

"We're excited. This helps us progress and access the viability of the steam-reforming technology," Delta Diablo spokeswoman Angela Lowery said.

The total cost of the project is estimated at \$4.7 million. Intellergy will pay the remaining cost.

Delta Diablo is leading the Bay Area Biosolids to Energy Coalition, a collective of 16 Bay Area public agencies working on sustainable solutions to biosolids management.

More than 158,000 dry metric tons of biosolids are produced in the Bay Area each year.

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## County will consider advancing Doctors Medical Center \$10 million

By **Sandy Kleffman**  
Contra Costa Times

Posted: 03/24/2011 05:11:06 PM PDT

Updated: 03/24/2011 05:51:25 PM PDT

SAN PABLO -- Contra Costa County leaders will consider advancing \$10 million to Doctors Medical Center to help the financially struggling hospital, an important safety net for West County residents, keep its doors open.

At the end of February, Doctors had only enough unrestricted cash on hand to pay operating expenses for three days. Chief Financial Officer Rick Reid called that a "dangerously low level."

The typical California hospital has 34 days worth of cash available.

Doctors has fallen more than three months behind in paying some of its vendors and suppliers.

Although hospital leaders budgeted for a \$1 million loss during the first two months of 2011, the loss was twice that amount, Reid said.

The financial difficulties have prompted hospital leaders and county officials to seek ways to get a quick infusion of cash for Doctors, which has struggled for years because it serves a large percentage of uninsured and underinsured residents.

The arrangement will first need to be approved by county supervisors and the hospital board.

The hospital board will hold a meeting to consider the proposal at 5:30 p.m. Tuesday in the hospital auditorium.

County supervisors would consider it at their April 5 meeting.

Under a draft proposal presented to the hospital this week, the county would give \$2 million to Doctors by April 15 to help with its immediate financial crisis. The county would later transfer up to

\$8 million more.

The advance would be repaid, with \$1.5 million in interest, over four years with revenue from the hospital district's property taxes, said county Supervisor John Gioia, who has been involved in the negotiations.

Although the county is coping with its own budget shortfall and cutbacks, Gioia said the money would be taken from county reserves or the county hospital enterprise fund and would not affect county services.

He added that allowing the hospital to close would result in long-term costs for the county and a critical shortage of emergency beds in the area, with longer ambulance times for residents.

The advance would be similar to a \$10 million loan the county made to the hospital in 2006, shortly after Doctors declared bankruptcy. Doctors recently repaid that advance with \$1.5 million in interest.

When the hospital declared bankruptcy, it had a structural deficit of \$30 million a year. Hospital leaders have since worked to rein in costs and significantly reduce the deficit.

In addition to the \$10 million county advance, the 2006 recovery plan included an infusion of \$17

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million annually for three years. That consisted of \$4 million from Kaiser Permanente, \$1 million from John Muir Medical Center and \$12 million from the California Medical Assistance Commission.

Those subsidies have ended. But in a move that aggravated the hospital's financial struggles, the California Medical Assistance Commission notified the hospital last year that it could not provide \$8 million of the expected \$12 million because of federal regulations restricting such payments. Hospital leaders hope to receive that money at a future date.

Before county leaders agreed to advance Doctors the \$10 million in 2006, they sought greater oversight, so a joint powers authority was established, in addition to the five-member elected board. Gioia heads the joint powers authority.

But having two boards running the hospital has been unwieldy and has made it difficult to recruit a chief executive officer, leaders said this week.

The previous CEO, Joseph Stewart, stepped down in January. This week, Dawn Gideon became the interim CEO while the board searches for a permanent executive. Gideon is a managing director with Huron Consulting Group, the hospital managing organization that helped Doctors emerge from bankruptcy in 2008.

Gideon told the hospital board this week that the search for a new CEO would be easier if the hospital had a unified governing board. Gioia agrees.

Under discussion is having the five-member elected board remain in existence, but grant much of its power to a new governing board that would include representatives of the county, the elected hospital board, and physicians at the hospital.

The new board would remain in place until the county advance is repaid, Gioia said.

The financial difficulties are just one of the challenges for the hospital. Its main patient tower is not seismically safe, and hospital leaders will need to find ways to finance a new building.

At a board meeting Wednesday night, nurses raised issues about staffing and patient safety.

Carolyn Bowden, a labor representative for the

California Nurses Association, presented a petition signed by 115 nurses requesting that they be treated with dignity and respect. She said nurses are being encouraged to work overtime without pay, that required nurse-to-patient ratios are being violated and nurses are not getting meal and rest breaks.

"I don't recall ever standing here feeling quite so anxious as I am today," said Tami Roncskevitz, the chief nursing representative for CNA. "Conditions are dire now. They're dire and they're dangerous."

Board members encouraged nurses and management to work on improving communication and said they will continue to seek improvement in the level of care at the hospital.

"We're going to try to work with management to solve these problems," board member Deborah Campbell said. "All of us on the board are very concerned about them."

Contact Sandy Kleffman at 925-943-8249.



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## Hercules pulls plug on doomed 'Dream' sports complex

By Tom Lochner  
Contra Costa Times

Posted: 03/25/2011 03:30:15 PM PDT

Updated: 03/25/2011 05:37:21 PM PDT

On its face, it was a bold and creative move to open up Hercules' hinterlands to development: a sports complex with replicas of Major League Baseball parks along Highway 4, to be built by Hercules and run under a profit-sharing arrangement by a private company, Big League Dreams USA.

But like many other recent ambitious plans in this financially-challenged city, Hercules' big league dreams apparently were grounded more in fantasy than reality.

Former City Manager Nelson Oliva and former consultant to the city Mike Sakamoto envisioned the park as a regional venue for baseball and softball leagues, tournaments, sports camps and special events; the sports complex in turn could spark restaurant, hotel and other development along the Highway 4 corridor.

Inevitably, boosters dubbed it Hercules' "Field of Dreams," after the 1989 baseball fiction movie starring Kevin Costner.

With \$1.9 million already spent on the project, the City Council this week cut its losses and formally pulled the plug on the dream, terminating the contracts of the remaining consultants; the city hopes to recover the \$450,000 franchise fee from Big League Dreams in accordance with a clause in a 2008 license agreement, consultant Charlie Long, adviser to interim City Manager Fred Deltorchio, told the council.

Among the realities that sunk the dream -- aside from the cost, estimated to be at least \$20 million -- was the fact that Hercules doesn't own the land

it needed for the sports complex, some 40-odd

acres next to a ConocoPhillips carbon plant.

The oil company strongly disapproved of the concept of a Big League Dreams complex next to its plant. The property owner, C.S. Land Co., a subsidiary of ConocoPhillips, was unwilling to sell the land, which it considered part of a buffer around the plant.

The land moreover is not even in Hercules, but in unincorporated Contra Costa County.

"This is a fundamental disconnect between standard real estate practice and what was evidenced in the behavior of the city on this project," Long told the council. As a matter of standard real estate practice, the city should have obtained site control and jurisdictional control before spending significant amounts of money on the project, Long continued.

An attempt to annex about 500 acres to the city morphed into an interim effort to annex just 77 acres -- which did not even include the prospective Big League Dreams acreage -- prompted by the city's 2009 purchase of a property along Highway 4 owned by Yellow Freight, for an unrelated purpose. The city once hoped to persuade Caltrans to relocate a storage yard there from a current site nearer to the city center. Officials said they planned to annex the rest of the 500 acres sometime in the future.

Meanwhile, a consultant, Tom Koch, developed a strategy to include the Rodeo Gateway senior apartments, on Willow Avenue near San Pablo and Parker avenues just outside Hercules' city limit, in

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the area to be annexed, in order to make it inhabited and subject annexation to a popular vote. Afterward, if ConocoPhillips persisted in its unwillingness to sell, the reasoning went, the city would invoke eminent domain to force a sale, Long said in a report.

Koch previously worked in Hercules as the political consultant to Hercules Bayfront developer AndersonPacific LLC during a successful campaign in 2008 to get the City Council to approve a waterfront initiative by ordinance.

Long said Koch's strategy was unlikely to overcome ConocoPhillips' considerable potential legal remedies.

"The barriers to obtaining jurisdictional control and site control are so formidable," he said, "that it is unreasonable to assume that the city could have actually obtained those two things."

Koch, reached by phone Friday, disagreed. The strategy was sound, and likely would have succeeded, he said. Without it, he said, annexation of the sports complex land would never get as far as a hearing before the Local Agency Formation Commission, a necessary step in the process.

"I felt we were on the right path," Koch said, "but then the financial tsunami had its effect."

Finding at least \$20 million to build the park appeared a dubious prospect, even if the current fiscal year's budget projected the \$20 million in increments through 2015. The city faces multimillion dollar shortfalls in its general fund and redevelopment budgets.

Big League Dreams operates its parks under contract with host cities, which assemble the sites and build the parks. Under a 2008 maintenance-and-operations agreement, the company would pay the city 6 percent of gross revenue with a guarantee of \$100,000 a year.

Long said ConocoPhillips has expressed willingness to discuss other potential uses for the land, provided they are compatible with the carbon plant, such as industrial uses and some commercial uses.

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## Bethel Island leaders worry about condition of levee as money runs dry

By Roman Gokhman  
Contra Costa Times

Posted: 04/02/2011 12:00:00 AM PDT

Updated: 04/02/2011 08:50:23 AM PDT

BETHEL ISLAND -- Some parts of the Bethel Island levee -- the only protection the Delta island has from flooding -- dip down in front of waterfront homes. Some parts are barely wide enough for a service truck to pass on.

The cash-strapped district that manages the island's earthen levee will most likely try a second time to persuade voters to approve a parcel tax to repair it.

A proposed tax was soundly defeated last November, surprising board members of the Bethel Island Municipal Improvement District, who were forced to postpone the repairs, close their office on Fridays and lay off two of the district's five employees, including its manager.

The earliest a new measure would go before voters is November 2012, board President Dan Phippen said.

Measure X failed because a few vocal opponents made their voices heard while supporters did not organize until it was too late, said Phippen and Steve Spence, the district's former manager.

"We need to do some PR work before we can try this again," Phippen said.

Bethel Island is surrounded by more than 11.5 miles of levee that protects the island, the majority of which sits 10 feet below sea level.

In California, levees are required to be 11.2 feet above sea level and 16 feet wide at the crown, Phippen said. About 2,400 feet of the island's levee is either 8 feet tall or only 12 feet wide at the top.

"We need a minimum of 16 feet to get a fire truck out

here," Spence

said.

Additionally, the levees are continually eroding and suffering damage by beavers and rodents.

"There are two kinds of earthen levees: The ones that broke and the ones that will break," Spence said.

The municipal improvement district saw property tax revenue take a double-digit percentage dive over the past two years and collected nearly 24 percent less during the 2009-2010 fiscal year than the prior year -- \$412,395 from \$543,371. Based on preliminary figures, taxes are predicted to fall again, to about \$390,000 in 2010-2011.

Measure X called for an annual tax of \$252.29 on every parcel except those that are located completely underwater. Of Bethel Island's 1,822 parcels, 222 would have been exempt.

The tax would have generated about \$4 million over its 10-year life span, money that the district planned to use to pay its share of a \$6.6 million project the state Department of Water Resources was underwriting.

The maintenance work would have involved raising sections of the levee that aren't at the mandated minimum height and shoring up the layer of rock that prevents water from eroding the outer face.

The district would also ensure that debris doesn't

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clog the drainage ditches that collect water that seeps through the levee.

Only 291 residents voted for the tax, and 405 opposed it; the measure required two-thirds approval.

Residents Janet and Todd Northam don't trust the district to spend their money wisely. They say the district previously mismanaged money, spending some on an internal harassment investigation and litigation, which Spence acknowledged.

"All that money should have gone toward fixing the levee," Janet Northam said.

Phippen acknowledged \$1,000 was spent on an investigator for the harassment investigation -- which ended without any action being taken -- and said a previous lawsuit, filed by a resident after the district performed some work without first getting approval, was the fault of former board members. The district lost the suit and paid a \$100,000 settlement.

The district has few options other than a parcel tax. A committee is researching grant opportunities and whether to ask property owners to approve a benefit assessment district in a mail-in election that can be held at any time.

Assessments link the cost of public improvements to the properties that directly benefit from them, and the per-parcel amount varies according to how much benefit each property owner derives from the work.

Property owners are allotted a differing number of votes depending on how much real estate they have, which means that a few large landowners can decide the outcome of the election.

The district plans to finalize a plan this summer, and Phippen said only one thing is clear.

"Major rehab to the levee is not going to happen until we get the money," he said.

**Contact Roman Gokhman at 925-779-7189.**  
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