

## **East County fire agency to start charging for some emergency services**



East Contra Costa Fire Protection District will begin charging fees to insurance companies for some services.

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Residents in far East Contra Costa County who receive emergency fire services may see a bill go to their insurance companies to cover the cost as early as next month.

The financially strapped East Contra Costa Fire Protection District, which serves 249 square miles east of Antioch and more than 114,000 residents, will join a number of fire districts in the Bay Area and elsewhere that already charge some type of cost recovery fees. Among those are the Contra Costa Fire Protection District, Sacramento Metropolitan Fire District, Novato Fire Protection District, San Ramon and Orinda-Moraga fire districts.

The East Contra Costa Fire Protection District Board last week approved the fees on an 8-1 vote, with Joe Young dissenting. No resident spoke for or against the fees during the hearing.

Fire Chief Brian Helmick said the fees will be charged for responses to emergencies involving vehicle accidents and extrications, helicopter landings, illegal fires, hazardous material releases and water emergencies.

The charges will range from \$448 an hour per engine or \$560 per truck for those starting illegal fires to \$6,608 for three hours for complex hazardous material incidents. A routine car accident fee will be billed at \$487 an hour. The fee amounts will increase as additional crews or air ambulances are needed, but could be waived if a patient demonstrates a financial burden, does not have insurance, or dies, Helmick said.

Fees will not be charged for residential, commercial or vegetation fires, he said.

The fire chief estimates about 10 to 15 percent of the district's 8,000 annual calls will be subject to the new fees, bringing the agency about \$50,000 in additional revenue a year.

"The root issue is we are an underfunded fire agency," Helmick said, noting the district gets far less in property tax allocations than other districts in the area. "It's not paying again (for services) because the property tax revenues are not adequate. If they were, we would not be going for this."

The board adopted a similar fee plan in 2016 — the first of its kind in the district's history — for medical aid responses to urgent health complaints such as chest pains or dangerously low blood sugar levels, which raised some \$50,000 last year. That fee, now at \$209.46 for 30 minutes or \$399 an hour, was intended to cover not only a portion of the salaries and benefits for an engine's three-man crew, but also the cost of district management supervising each incident, as well as fuel and equipment maintenance. The fees can be waived if a patient demonstrates financial hardship or dies.

Bethel Island resident Mark Whitlock Sr. said he originally was against the cost recovery fees, but changed his mind when more administrative staff was hired recently, making it more manageable.

"I was always against it up until a year or so ago," he said. "We had no staff to do it — and I was not wanting to spend any more on staff."

But, Whitlock said, the proposed fees were one of the few resources the district found in "turning over every stone" for revenue as voters had suggested.

"It is a damned if you do and damned if you don't," he said. "People insisted we look at everything that is out there. Will all this be in effect in two or three years? Only the test of time will tell."

Helmick cautioned residents to look beyond the individual fees to the larger issue of the cash-strapped fire agency whose staffing levels and response times are far below the national standard.

"This decision is part of a much larger and complex problem," he said.

The district's financial woes date back decades when the area's population was much smaller and volunteer firefighters provided service. In 1978, Proposition 13 cemented the property-tax

allocation for the fire district at 8 percent — far less than the average 12 percent elsewhere, leaving the fire agency with less money than other area agencies.

Over the years, the district has tried to remedy the shortfall with such measures as a parcel tax, benefit assessment and utility-user tax, all of which failed at the ballot box.

“Folks have been recommending that we live within our means and explore additional means of generating revenue,” Helmick said. “This is us kicking over a rock and giving us every revenue we can. ... We are doing everything we can do legally.”

The newly approved cost recovery fees are possible under a section of the California Health and Safety Code and the [Fire Protection District Law of 1987](#), which allows districts to cover the cost of providing services, he said, noting the board can cancel them at any point.

“Cost recovery for fire districts is not unique to us. Up and down the state, and across the U.S. to some degree, fire districts are doing this to cover their expenses.”

Board member Young, however, said he voted against it because residents already pay taxes to cover such services.

“We support the fire district through our property tax system and I think it is inappropriate to be singling out a user of an emergency service for payment of these fees,” he said. “The services we are billing for are services that we already are charging for with taxes. In my mind, it’s billing twice for the same service.”

Young also noted that for the administrative burden the cost recovery fees will create, the return will be relatively small.

“We already have a medical fee that didn’t produce much revenue — in fact, far less than what we had projected,” he said. “... I think the fire district is providing the best service that can be provided with the money the public is willing to pay.”

Young also noted that the small amount of revenue from the new extra fees is not worth angering future voters considering proposed fire district revenue-generating measures.

“You might be sending a bill to your strongest supporters,” he said. “It’s better to fully fund the fire district for the services you need rather than nickel and dime your customers. That discourages them. I don’t think it’s the way to go.”

To view the fee schedule, visit <https://bit.ly/2NCqOal>.

## San Francisco Chronicle

# Housing prices are resegregating the Bay Area, UC Berkeley study finds

[Kimberly Veklerov](#) Sep. 19, 2018 Updated: **Sep. 19, 2018** 10:07 a.m.

The Bay Area's soaring housing costs are pushing poor people into neighborhoods where poverty and racial segregation are on the rise, a [UC Berkeley study published Wednesday](#) found.

As a result, the region's low-income families — particularly minority families — are increasingly cut off from relatives, their children may face worse health outcomes and parents' commutes to work can dramatically lengthen.

UC Berkeley researchers tracked migratory patterns and demographic changes across the region from 2000 to 2015. They found that movements caused by housing costs are intensifying racial disparities among neighborhoods.

Many neighborhoods in San Francisco, Oakland, Berkeley and Richmond saw declines in black population while farther-out areas of the East Bay and beyond saw increases. Neighborhoods such as San Francisco's Bayview and [Oakland's flatlands](#) lost thousands of low-income black households; places like unincorporated Cherryland in Alameda County and eastern Contra Costa County saw influxes.

Neighborhoods with low pollution, high-quality schools and other resources have become increasingly inaccessible for African Americans, according to the report. The study was a project by UC Berkeley's Urban Displacement Project and the California Housing Partnership, a nonprofit that advocates expanding affordable housing.

Interactive Map by: [Ethan Burrell and Eva Phillips](#)

“The housing market today is operating in the context of an architecture of segregation and vulnerability that was baked into cities and regions over a period of many decades,” said Dan Rinzler, a senior policy analyst with the group. “It's more or less moving the pieces around to the detriment of people of color and low-income communities.”

Living in areas that give residents a better chance at educational success, good health and upward mobility often comes down to race, not class, the study said.

For instance, by 2015 in San Francisco, a low-income white family was three times more likely to live in a high-resource area than a moderate- or high-income black family, the research found. In Alameda County, low-income white households were seven times more likely to live in such a neighborhood compared to a wealthier black family. And in Contra Costa County, a low-income

white family was 14 times more likely to live in a better-off neighborhood than a black family with moderate or high income.

“The disparities were shocking in some cases,” Rinzler said.

Miriam Zuk, director of the Urban Displacement Project, said the research was undertaken to look at granular, neighborhood-level changes. She said it was also important to break out various racial groups, rather than compare all people of color to white people.

“We talk about the reshuffling of people in spaces as if there are no consequences,” Zuk said. “There’s this trope of, ‘Oh, everyone is free to move where they want and maybe moving from a low-income area of the city to the suburbs is a good thing.’ What we see is that’s not happening. When people move, they are not necessarily moving to better-off places.”

Families that moved needed to use a higher share of their income to pay rent in their new home, the study found.

The analysis showed that across the Bay Area, a 30 percent increase in [median rent](#) in a given neighborhood corresponded with a more than 20 percent decrease in the number of low-income African Americans, Latinos and Asians living there. The researchers found no significant relationship between rent increases and losses of low-income white households.

The research team drew from tract-level Census data, the annual American Community Survey and other sources. The study received funding from the San Francisco Foundation.

In three counties studied in the most detail — San Francisco, Alameda and Contra Costa — the researchers found “significant and uneven shifts” between 2000 and 2015 in the neighborhoods where low-income people of color lived. Demographic changes at the city level could be pinpointed to just a few neighborhoods where they were the most concentrated.

The Longfellow neighborhood in North Oakland, for instance, lost 400 low-income black households — more than any other in Alameda County — between 2000 and 2015, according to the study. Three East Oakland ZIP codes whose low-income Latino populations increased in that period saw the highest rates of child lead poisoning in the county.

[In San Francisco](#), although the low-income Asian and Latino populations grew on an aggregate level, [they decreased in historical cultural hubs](#) such as Chinatown and the Mission.

The researchers found that Contra Costa County households that moved in 2015 tended to stay within the county, while those displaced from San Francisco usually settled somewhere else in the Bay Area.

But a large proportion of low-income families that moved out of their Alameda County homes left the region altogether: Black families often went to Stockton and areas of Contra Costa County, while Latino families primarily went to Tracy, San Jose and cities in San Mateo County, and Asian families typically went to parts of Santa Clara and Solano counties.

The costs of displacement can be destabilizing and multigenerational, said Tony Roshan Samara of Urban Habitat, an Oakland nonprofit that advocates policies to help low-income people and people of color.

The research “basically confirms what we suspected but couldn’t really prove” about household-level migratory patterns, said Samara, who wasn’t involved in the study but worked on a [similar paper](#) that was published in 2016.

“One of the riddles of displacement work is that it’s been near impossible to say, for instance, this person left the Mission and ended up in Antioch,” he said.

Matt Schwartz, CEO of the California Housing Partnership, said one clear solution to combat the trend of resegregation would be increasing and [preserving affordable housing](#) units.

“It’s pretty obvious that unequal access to capital in the housing market has played a significant role here,” Schwartz said. “Ignoring the racial dynamics in the housing market is only going to result in a continued trend toward resegregation.”

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## McClatchy Washington DC Bureau

# More critical water storage is finally coming to California. It took nearly 40 years.

By Kate Irby

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September 13, 2018 05:04 PM

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WASHINGTON

California officials have been pushing for more natural water storage since the last large-scale facility was built in 1979. Now they're finally going to get it, thanks to political pressure, President Donald Trump and some congressional creativity.

The House approved several provisions Thursday that help fund water storage projects. The Senate is expected to concur shortly, and Trump is expected to sign the legislation into law next week.

Republican Rep. Jeff Denham and Democrat Rep. Jim Costa have been pushing for additional water storage for the state for years in constantly-at-risk-of-drought California. Since 1979, California's population has grown 70 percent.

Trump has been pushing infrastructure project funding since he came into office and spoken publicly in support of more water for the Central Valley — though some of his statements have showed a misunderstanding of the issue, such as when a Tweet suggested lack of water was to blame for wildfires in California.

This is also the year Republicans are most worried about defending Denham's seat. Democratic presidential nominee Hillary Clinton won his district by three points in 2016 and the GOP frets about a blue wave taking the House in 2018.

But water — and getting more of it — is the most important issue in the district. If Denham can get some concrete wins on the water issue before November, he has a much better chance of keeping his seat.

“All Valley incumbents are at least somewhat at-risk right now,” said Carl Fogliani, a political strategist who once worked for San Joaquin Valley Republicans. “They're showing that they're doing their job, and water is absolutely the way to do that in these districts.”

“This has been on our agenda for ages, before I even started here in 1991,” said Bruce Blodgett, executive director of the San Joaquin Farm Bureau, which has endorsed Denham. “It's even more important now because the changing weather patterns have been more severe in recent years.”

Denham denied politics has anything to do with the water storage action, lamenting in an interview with McClatchy that “politics is the excuse for everything I do every other year.

“This is Congress, I think most people would say getting this done in eight years is expedited,” Denham said.

He and Costa instead credit some common sense thinking on the issue, creating a new way of funding water storage instead of relying on the same federal process.

Sal Russo, a Republican political strategist based in Sacramento, said Trump probably deserved more credit than the political atmosphere.

“That probably moved it way up on the priority list — what the president wants always matters,” Russo said. “There’s politics in everything, but it’s more than that, too.”

Denham’s proposal allows local irrigation districts to apply for low-interest federal loans from the Environmental Protection Agency to build new reservoirs, below ground storage projects, recycling and desalination projects. Those are desperately needed in parts of California to capture rains and runoff from the mountains so water can be stored and used in drier seasons and in years of drought.

Theoretically, the irrigation districts could eventually easily repay low-interest loans through control of the new water sources, and having a larger supply of water would drive down demand and cost of fresh water throughout the state. Several water storage projects in the state have already been authorized by legislation and are awaiting funding.

Costa’s proposal would allow dams and other water facilities regulated by the Army Corps of Engineers but owned by local entities to use non-federal funds.

Currently, if reports indicate more water will flow to an area in a certain season, local entities that own dams cannot provide money to the Army Corps to prepare more storage, for example. Those have to be federal funds, even though the dams are not federally owned. And water storage tends to fall low on a long list of federal priorities.

Interested parties in the San Joaquin Valley and in Washington, D.C. aren’t so concerned with assigning praise to politics or the president, saying they’re just glad it’s finally happening.

“Some people may think (Denham) is pandering to the district, but he’s been consistent as long as I’ve known him,” said Tom Orvis, governmental affairs Director for the Stanislaus County Farm Bureau, one of the largest in California.

“If you want to be a cynic and believe it was all politics, you can do that,” Costa said. “But I don’t think that’s accurate.”

“Timing sometimes has to do with politics, but this is good policy and we’re proud of it,” he added.

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## Stockton Record

# Tunnel foes shift focus to Delta's most disadvantaged communities

By [Joe Goldeen](#)  
Record Staff Writer

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STOCKTON — California's proposal to construct two massive tunnels underneath the Delta northwest of the city to divert Sacramento River water south would "devastate" Stockton and other communities in and around the Delta, especially what a new report refers to as "environmental justice communities" that often have been ignored in the discussion around the tunnels.

The 216-page report — ["The Fate of the Delta: Impacts of Proposed Water Projects and Plans on Delta Environmental Justice Communities"](#) from grassroots advocacy group Restore the Delta — was released Monday during a news conference attended by Stockton's representatives in Congress and the California Legislature, Mayor Michael Tubbs, San Joaquin County Supervisor Kathy Miller and others all stating their support.

It is Restore the Delta's intent to change the primary focus surrounding the twin tunnels proposal from water to people.

Miller, who said she was speaking on behalf of the Board of Supervisors, said "today, we stand united in our fight to preserve our precious Delta and the livelihoods of our families and friends who were raised here and have fished, farmed and protected this land for generations (and) who will never relent and never give up this good fight."

Environmental justice, as defined in the report, "is the potential for public decisions to avoid or mitigate disproportionate or discriminatory environmental impacts to minority and low-income people."

It is the role of government agencies to consider environmental justice concerns as they affect all groups of people, including communities of color and low-income residents that comprise a significant number of residents in Stockton and throughout the Delta region. Many of those communities are impoverished, according to the report.

"This report addresses a number of things that San Joaquin County has been fighting for and we stand behind the principles that seek protection of the Delta and the people that we serve," Miller said. "The story of San Joaquin County is one that is deeply rooted in the story of the Sacramento-San Joaquin Delta, and the socioeconomic climate of the people who live and work in and around the Delta is a story that must be told and understood by all Californians."

Miller and her colleagues believe, as the report states, that the \$20 billion twin tunnels project being pushed by Gov. Jerry Brown will only make the problems facing Stockton — among the most economically disadvantaged cities in the state — worse environmentally and impact the economic future of the entire region through increased water contamination, farmland degradation, levee road deterioration and job loss.

“San Joaquin County has long advocated for increased common-sense statewide investments in recycled water, underground storage, stormwater capture, desalinization and other alternatives that actually produce more water for regions who need it and increase our statewide water supply,” she said.

“It is unacceptable to build these tunnels and disproportionately affect our residents and our environment. San Joaquin County will continue to work with (Restore the Delta) to defeat WaterFix and stand up to the bullies, critics and naysayers who minimize and disregard the devastating impacts their poorly thought-out decisions will have on our region,” Miller said.

Restore the Delta Executive Director Barbara Barrigan-Parrilla said the report creates a voice for the region’s voiceless, creating one historic record of what has been said to the State Water Resources Control Board previously about the tunnels’ impact.

Acknowledging the need by millions of state residents for water from the Delta, Barrigan-Parrilla said “the fight has never been about fish vs. farmers. In fact, the fish vs. farmers campaign was created 10 years ago by former tobacco advertising executives as a way to split California’s environmental justice communities, with Northern California (Indian) tribes and Delta (environmental justice) communities on one side and San Joaquin Valley farm towns and Greater Los Angeles Area residents on the other.”

U.S. Rep. Jerry McNerney, D-Stockton, praised “The Fate of the Delta” for going into the long history of the Delta and why it has declined so quickly in recent years.

“It fills in the gaps,” McNerney said. “This WaterFix will make it much, much worse,” he said, cautioning that the project will accelerate its devolvement into a saltwater estuary.

The report concludes that state water officials need to “embrace” the 2009 Delta Reform Act that spells out the requirements for reduced reliance on Delta water exports, restoration of the region’s vast waterways and ecosystems, and enabling the protection of Delta communities as “places of cultural and historical significance.”

The full report is available online at [restorethedelta.org/thefateofthedelta](http://restorethedelta.org/thefateofthedelta).

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# Lafayette City Manager Falk announces resignation



Lafayette City Manager Steven Falk, flanked by Lafayette city staff, reads his letter of resignation at Monday night's City Council meeting. Falk, who has been with the city for 28 years, will leave at the end of the year. (Jeffrey Heyman/City of Lafayette)

By [Jon Kawamoto](#) | [jkawamoto@bayareanewsgroup.com](mailto:jkawamoto@bayareanewsgroup.com) | Bay Area News Group

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LAFAYETTE — Lafayette City Manager Steve Falk cited voters' rejection of two recent measures and BART's current plan for housing as key reasons why he decided to resign Monday after nearly three decades with the city.

“It has been the great privilege of my professional career to serve Lafayette for 28 years, and I am proud of our many accomplishments on behalf of this splendid city,” Falk said in his letter of resignation, which he submitted to the city before the council meeting. “The time has come ... for Lafayette to hear a new voice from the city manager's office and for me to discover my unexplored potential.

“I will always love Lafayette,” he concluded in his letter.

Falk, 56, will continue working through the end of the year, and offered to help with the transition to a new city manager.

In his letter, Falk noted his role in the Measure C sales tax, which was defeated in November 2016. The sales tax would have protected open space, beefed up police patrols, created a downtown park, added public parking and restored the landmark Park Theater.

He also noted his role in Measure L, a ballot measure allowing 44-house project hammered out by the developer and the city on the 22-acre Deer Hill parcel north of Highway 24. Voters rejected Measure L in June, and the developer has resubmitted plans for up to 315 apartments there.

“Elections have consequences, and one is that Lafayette residents deserve a city manager who is better aligned with their priorities,” he wrote.

Falk also referred to — not specifically by name — Assembly Bill 2923, sponsored by state Assemblymen Tim Grayson, D-Concord, and David Chiu, D-San Francisco. The bill would remove a city’s zoning and land-use authority on BART-owned land within one-half mile of a transit station and hand it over to the BART board. The bill would allow BART to approve new standards for housing development.

Lafayette Mayor Don Tatzin and other East Bay officials opposed to AB 2923 are urging Gov. Brown not to sign the bill.

“All cities – even small ones – have a responsibility to address the most significant challenges of our time: climate change, income inequality, and housing affordability,” Falk wrote. “I believe that adding multifamily housing at the BART station is the best way for Lafayette to do its part, and it has therefore become increasingly difficult for me to support, advocate for, or implement policies that would thwart transit density. My conscience won’t allow it.”

Tatzin, in a statement released Tuesday, said: “I have had the privilege to know Steve for his entire tenure with Lafayette and recognize that his contributions have made the city far better than it was before he joined.”

Tatzin pointed to Falk’s contributions to “tangible projects”: improving the infrastructure of roads and drains; the Lafayette Library and Learning Center; the Lafayette Veterans Memorial Center; improving parks and recreation facilities at Lafayette Community Park, Buckeye Fields and the Jennifer Russell Building at the community center; and overseeing a 60 percent city reserve of the general fund.

“It’s very sad to see you make this decision,” said Councilman Mike Anderson. “All I can say is that you’ve done an incredible job here. I think it’s a change going on that you recognize and are freeing us up to move forward.”

Burks called Falk “an exceptional leader” and “a visionary.”

“He’s made this city really what it is today,” Burks said. “I just wanted to say thank you, Steve, on behalf of my family.”

Councilman Ivor Samson, who was the only council member who did not endorse Measure L, also praised Falk.

“You and I have crossed swords, but we’ve always done so respectfully and in a business setting and not a personal setting,” Samson said. “And while we haven’t always agreed on a lot of things, I respect you incredibly.”

Falk’s annual salary is \$253,683.

His employment contract came under scrutiny last year over concerns that its 18-month severance package was too generous. Falk’s contract gave the city manager 18 months of paid salary and health benefits — equal to about \$512,142 — in the event his employment was ended by the council, which was not the case here.

## East Bay Times

# Week-long emergency levee work begins on Bradford Island



Karen Cunningham walks across the boat dock in front of her home on Bradford Island where she lives and raises cattle, Friday July 22, 2011.

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A portion of the north side of Bradford Island Levee Road was closed Wednesday for week-long emergency construction work to shore up a levee where water has been seeping through the dirt.

Bradford Reclamation District 2059, which declared the remote East Contra Costa County island in a state of emergency on Aug. 24, has begun the project by placing metal sheet piles in an effort to impede the 25-foot wide levee seepage before it grows and unleashes a fury of water that could flood the entire island.

Bradford is one of the eight Delta islands the State Department of Water Resources deems critical to the region's water quality because it prevents seawater intrusion into the fresh river water. If one island floods, others could follow, affecting the region's water quality, officials say.

District engineer Blake Johnson of DHG Engineering has been monitoring the situation on the private island for several months and says the nearly \$200,000 fix will be just a temporary one. Although he doesn't have evidence that the seepage has gotten worse, he said any active seepage

through a levee is not good because “at some point it could start moving material through, and then it becomes problematic.

“It’s hard to say if this will do the trick,” he said. “It is more than likely it’s an interim fix until we can construct the final seepage berm and stability berm. We will be revisiting this and we will be keeping our eye on it.”

Johnson said engineers are trying to cut through a gravel layer to prevent further seepage.

“That’s where the seepage is, but the question is, where does the gravel layer end?” he said, noting expensive boring efforts have not shed any light so far. “We still don’t know how wide that gravel layer will be.”

So, in the meantime, contractors will overlap the seepage and stability berms in an attempt to sop the water coming through the gravel, he said.

“Unfortunately, water has a way of finding a path,” Johnson said. “That’s why we are considering it temporary. We’re making an educated guess as to the distance. We can always add more (metal) sheet piles to the wall.”

The seepage is on the northern side of the island between Smith and Karen Cunningham’s home and Port of Stockton property. Smith Cunningham, the levee’s superintendent, has been monitoring the situation for months, and he and wife Karen have expressed concern about how long it’s taking to fix the problem.

Robert Davies, president of Bradford Reclamation District 2059, said the district had to acquire funding first, but is pleased the fix has now begun before the winter tides and rains come.

“This should stabilize it and prevent any immediate danger,” he said. “We’ll do more down the line in the future.”

Johnson agreed it is good to see the long-awaited repair work begin.

“At least we are doing something to prepare for the winter,” he said. “It’s finally happening and we didn’t have a levee failure.”



Published October 3rd, 2018

## MOFD and the firefighters union come to tentative labor agreement

By Nick Marnell

After nearly six months of negotiations, which included discussions with a state-appointed mediator, the Moraga-Orinda Fire District and Local 1230 reached a tentative agreement on a new three-year labor contract. The union ratified the tentative agreement on Sept. 18.

The term of the Memorandum of Understanding runs from July 1, 2018 through June 30, 2021. Among its significant provisions are salary increases of 3 percent across the board for years one and two and 2 percent in year three. A 2 percent equity adjustment will also be added to wages in the first two years, with 1 percent added in year three.

According to the district, salary survey data showed firefighters, engineers and captains were behind the labor market in both salary and total compensation. The purpose of the equity adjustment increase was to move district salaries closer in line to salaries paid by comparable agencies.

"We worked very long and hard on this. We came to a pretty good compromise," Director Kathleen Famulener said about the MOU.

Director Steve Anderson was out of town when the two parties reached the tentative agreement. "Before I left I was very clear on what I would accept and not accept. When I came back, the MOU exceeded those upper limits," Anderson said. "We need to pay our employees and we need to pay them well, but I have some serious questions about the MOU. Considering our finances, we were overly generous."

Other board members either declined to discuss the agreement or could not be reached for comment.

Representatives from Local 1230 also declined to comment on the MOU.

The full cost to the district to implement the MOU for the 2018-19 fiscal year comes to more than \$750,000.

At the Oct. 3 district meeting, should the agreement be approved by the board, the district will decide how to account for the added expenditure in the general fund.

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## Richmond to pick from six developers who want to build at Point Molate



The main Winehaven building and former Naval officer's homes, foreground, are seen from this drone view at Point Molate in Richmond, Calif., on Monday, Aug. 14, 2018. Richmond city officials will pick from six developers to build 670 units of housing at the site and preserve the Winehaven buildings. (Jane Tyska/Bay Area News Group)

By [Ali Tadayon](#) | [atadayon@bayareanewsgroup.com](mailto:atadayon@bayareanewsgroup.com) | Bay Area News Group

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RICHMOND — Eight developers have indicated they're interested in bidding for Richmond's plan to build at least 670 housing units on a 270-acre site in Point Molate with views of San Francisco Bay.

And on Tuesday night, the City Council selected six of them to share their vision in December for what Point Molate could look like in the future. City officials told the council they did not think the other two were qualified to take on such a project.

Point Molate is mostly vacant, except for the [historic Winehaven District](#), which contains what was once a winery and 35 now-boarded houses for its workers, as well as some other structures and piers. Any developer would have to preserve the district, and 70 percent of the land would remain as open space. The developer also would be responsible for providing infrastructure and utilities at the site, according to the [request for qualifications](#) released over the summer.

Those restrictions are part of an agreement reached between Richmond and an Indian tribe and developer that sued the city after it rejected their attempts to build a casino at Point Molate. The

eight-year lawsuit was settled earlier this year, with the city agreeing to sell the land for development and evenly split the profits.

The fate of Point Molate has divided both the community and the City Council. Many oppose the development, accusing city officials of cutting the deal against residents' wishes. Activists have [filed a lawsuit](#) alleging the settlement was improperly done behind closed doors.

Several people who attended Tuesday's meeting urged the council to pause the development process because a lawsuit has been filed by activists and the city has not completed its land use vision for the site.

Meanwhile, the "Point Molate Vision," which residents helped craft to guide development there, will be presented to the Richmond Planning Commission on Thursday and the City Council on Oct. 16.

David Helvarg, executive director of the ocean conservation and policy group Blue Frontier, criticized the council for leaving the public out of the process.

"Approving developers at this point before you publicly approve the settlement is kind of putting the bulldozer before the cart, and increases your legal exposure," Helvarg told council members. "In terms of selecting a plan for Point Molate, there is no envisioning plan, there's envisioning where the houses go."

Councilman Jael Myrick stressed the importance of fulfilling terms of the settlement with the casino developers, which set a tight two-year deadline on when the city must approve land entitlements and zoning requirements and a four-year deadline on when the city must market the development area to sell to developers.

"We have to keep the schedule that we have, we don't know what's going to happen with the (activists') lawsuit, but we don't want to end up in a situation where we're not doing what we said we were going to do on the other settlement," Myrick said. "If for some reason that lawsuit invalidates the settlement, we'll deal with that at that point, but right now we have another lawsuit which was a lot bigger and a lot more risky to the city of Richmond."

The developers who submitted bids for the project and were chosen to present their proposals at the December meeting are Sonnenblick Development, Integral Communities, Warmington Residential, Orton Development, Samuelson Schafer, and Point Molate Partners — a partnership of Mar Ventures and Cal-Coast Companies.

**KQED**

## **Should Californians Be Rebuilding Homes in a Fire Zone?**



A house burned in the Tubbs fire under construction in Santa Rosa. (*Lauren Sommer/KQED*)

A year ago, on a warm, windy night, Paul Lowenthal got the call; he was needed at work.

The Tubbs Fire, [on its way](#) to becoming the most destructive blaze in California history, was spreading into Santa Rosa, and Lowenthal, the city's assistant fire marshal, needed to get people out.

“It was exploding at a rate that I would have never imagined,” he says. “I left in my work truck and uniform and thought: worst case scenario, I’ll be back tomorrow morning.”

'In a disaster, there's such a strong emotional pull to get what you lost back.'  
*Julie Combs, Santa Rosa City Council*

Later that night, he drove past his own neighborhood.

“You couldn’t actually make out individual homes in here,” he says. “It just looked like an entire wall of fire. And then realized right away my house is gone.”

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He worked the next five days on just a few hours of sleep, until finally, he stopped to take stock.

“And then realized I have nothing,” he says. “Literally had nothing.”

### **Picking Up the Pieces**

Fueled by extreme winds, [Sonoma County’s Tubbs fire](#) killed 22 people and destroyed more than 5,000 homes and buildings.

Since then, the community has banded together to pick up the pieces. But it's also been grappling with a tough question -- one that faces fire-ravaged communities around the state.

Wildfire is a normal part of the California landscape. So, how -- and where -- should residents rebuild to protect themselves?



Nearly a year after the Tubbs Fire, Paul Lowenthal's Larkfield rebuild was finally nearing completion -- this time with more fire-resistant materials. (*Lauren Sommer/KQED*)

Hundreds of Sonoma residents have opted to stay put, both financially and emotionally tied to their land.

Lowenthal is one of them.

"Do I think those areas will burn again?" he says. "Absolutely. It's done it before."

It happened 54 years ago, when the Hanly Fire burned almost exactly same area. But since then, Santa Rosa's population has grown nearly tenfold, and Lowenthal was keenly aware of this latest fire's effect on an already-tight housing market.

"I made a decision that it made more sense to rebuild here," he says. His daughter was also a big part of that decision.

"Could I have convinced her that we could live in a really cool place somewhere else?" he says. "Maybe. But this was our home."

In the hills above Santa Rosa, wooden frames of houses are rising among the blackened trees. Many of the rebuilt homes will include new fire-resistant building materials, something few had when the fire swept through.

Still, because of California's decade-old zoning rules, almost 2,000 of the destroyed structures will not be required to meet building standards for wildfire-prone areas. Some homeowners are taking it on themselves to meet them anyway, dipping into their insurance payouts to cover the cost. Others are not.

At the same time, given the region's severe housing shortage even before last year's firestorm, city and county governments are under pressure to build new housing in areas at risk for wildfire.

As people are trying to heal and recover, local leaders have been faced with balancing those delicate issues. With climate change making California's fires more extreme, their decisions will affect lives for decades to come.



The Tubbs Fire swept away about 5 percent of Santa Rosa's housing stock. (Lauren Sommer/KQED)

### **Wildland Building Codes**

A year after the fires, Lowenthal's Larkfield home is finally taking shape, still a few weeks away from final inspection. This time, he says it will be better prepared to withstand fire, built with cement-fiber siding and other fire-resistant materials.

"Between the roof, the siding, things of that nature, it was definitely a step that I wanted to take," he says.

But Lowenthal isn't legally obligated to do any of that, as his home was outside the area subject to California's "[Wildland-Urban Interface Codes](#)." They include a broad range of standards for siding, roofs, decks, and windows, as well as requirements for gutters and attic vents that are meant to [prevent embers blown ahead of a wildfire](#) from igniting a home.

The zones are established by a set of [2008 Cal Fire maps](#) that outline wildfire risk by considering vegetation, fire history and slope. Sonoma County's zones are based exactly on those maps, while the city of Santa Rosa had extended the stricter requirements somewhat beyond what was on the state maps.

Almost 2,000 buildings destroyed in the Tubbs fire in Santa Rosa and Sonoma County weren't mapped in those zones and won't be required to use fire-resistant materials.

"We don't have an extra set of rules or requirements that we put on people to rebuild," says David Guhin, Santa Rosa's director of planning and economic development.

Guhin says Santa Rosa would be on shaky legal ground if it imposed new wildfire building codes on structures that weren't required to meet them when they were destroyed. But since most of the homes were built decades ago, before most modern building codes, he says even the basic code upgrades they'll undergo will help.

"The housing stock that's going in is much more resilient than the previous house stock," he says.

Still, many believe Cal Fire's maps are outdated, since they don't reflect the extreme nature of today's fires. The maps assumed fairly benign weather conditions, just 12 mph for "mid-flame" wind speed, the height that affects fire behavior. During the Tubbs Fire, gusts hit almost 80 mph.

Cal Fire is in the process of updating the fire hazard maps using more realistic data, including localized information and historic fire conditions. A draft of the maps is expected sometime next year. The new maps could put many homes into a fire hazard zone that aren't in one today.

But several North Bay officials say the community can't wait for that to be sorted out.

"I take solace in that the existing code is significantly better than what was there before," Tennis Wick, who heads Sonoma County's Permit and Resource Management Department. "I'm not going to let the perfect be the enemy of the good. This community needs to rebuild."

Wick says many homeowners are choosing fire-resistant materials anyway, such as cement-laden siding and metal roofs.

### **Giving Home Owners Choices**

Some fire victims have opted to pull up stakes after living through the fire's emotional trauma or due to steep rebuilding costs. In the hilly Fountaingrove neighborhood of Santa Rosa, for-sale signs sprout from empty lots among the construction sites.

Other homeowners are tied to their property, either restricted by insurance policies that prescribe where they can rebuild, or simply priced out of other Bay Area homes. And that concerns Santa Rosa City Council member Julie Combs.

"I know I've heard stories about flooding along the Mississippi and thought, 'Why did they keep rebuilding there?'" notes Combs.

"I'm all for having property owners have choice," she adds. "And right now, we aren't really giving them a choice to not build on the land they're tied to in a high-fire-hazard area."

Combs says she's interested in programs like those that already exist for flooded homes, where governments or neighbors can buy out inundated properties so they won't be re-developed.

She's not confident that today's wildfire building codes are enough to protect people. The codes are meant to reduce risk, but don't eliminate it.

Within the Tubbs fire footprint in Santa Rosa, 22 homes were built with the most recent wildfire codes before the fire. Twenty-one of them burned anyway.

“That doesn’t strike me as particularly good odds,” says Combs.

## Struggle Over New Housing

Homeowners considering not rebuilding face another hurdle: there are few other places to go.

In Santa Rosa, the Tubbs fire obliterated five percent of the city’s housing stock, exacerbating an already brutal housing market.

Before the fire, the city estimated it needed 5,000 more housing units. The fire added 3,000 more to that number.

“We need to walk and chew gum at the same time,” Guhin says. “We’re going to rebuild our community as fast and quickly and as efficiently as we possibly can, but we also have to build new homes as fast as we can.”



The 237-unit Round Barn Hill Project is proposed for an area burned in the Tubbs fire. (*Lauren Sommer/KQED*)

Santa Rosa is pushing for more “[in-fill development](#),” putting housing downtown and closer to public transit.

“We made that a priority this year,” he says. “We put a number of policies in place such as expedited permit processing, reducing the impact fees substantially for housing in the downtown core.”

But there has long been pressure to build in the surrounding hills, where the wildfire risk is highest.

“Development of single-family homes on the outskirts of town will happen on its own,” Guhin says. “There is a market for that.”

In February, the Santa Rosa City Council faced down that question.

San Francisco-based City Ventures asked for a zoning change to allow its Round Barn Village project to go forward. The 237-unit townhome development is proposed for a hillside that burned in the Tubbs fire.

City Ventures made the case that the homes would be built using wildfire standards and would provide much needed affordable housing.

“We absolutely need the housing,” said council member John Sawyer at the meeting. “And lots of mistakes were made in the past with saying no.”

But doubts hounded at least one council member.

“We are setting a precedent to build more new housing in a fire hazard area when we vote today,” warned Combs at the meeting. “I just think we need to not put more sleeping people in a fire hazard area.”

The rezoning passed 6-1.

“I was really sorry to be a lone vote,” says Combs. “It becomes very difficult to explain why we would approve that and not approve more. And I have real concerns that more is coming. We don’t need sprawl. We need to be building up.”

Sonoma County is also facing pressure to build.

“I met with a resort that burned twice, once in the Hanley fire and a second time in the Tubbs,” Wick says. “New people came to see me about building a third one. And I told them I just could not support the project. There’s an enormous pressure on us to be approving resorts in remote areas.”

In communities still in shock from the fires, these fraught decisions won't come easily.

“I think that in a disaster, there’s such a strong emotional pull to get what you lost back,” says Combs. “I think that’s a powerful pull.”

## Water Deeply

# Figuring on Climate Change: Model Outputs Vary, but Worries Are Real

Water available for California farms and cities could decline as much as 44 percent by midcentury due to climate change. Such numbers, while headache-inducing, could make today's water woes seem trifling.

Written by [Tom Philp](#) Published on **Oct. 9, 2018** Read time Approx. 3 minutes



A farmer walks his dry, dusty field in the San Joaquin Valley during California's recent five-year drought. *Craig Kohlruss, The Fresno Bee*

The state of California recently released its Fourth Climate Change Assessment. Among the technical reports was a [deep dive](#) into the future of the State Water Project and the Central Valley Project. It was over my head. It was calling my name. And in climate change's frenzied media cycle, the whole assessment soon faded.

That's too bad. This assessment of the state's two largest water projects provides an important but foggy glimpse into what all of our water successors come 2060 will likely be fighting about. The fog is due to how there is no single prediction from what today's best science, collectively, is trying to tell us.

Assessing climate change means taking today's tools for gauging the future and averaging their findings into a static set of numbers. The team at the state Department of Water Resources did so in a careful series of analytical steps.

They utilized 10 peer-reviewed climate change models created throughout the world.

They took two established scenarios of our future greenhouse gas concentrations, one rosier (they stabilize), one not (they don't). The 10 climate models and two emission scenarios produced 20 climate change projections. And they also assumed sea level rises ranging from zero to 1.5ft by midcentury for the 20 projections.

To calculate historic baseline conditions, they applied all of today's various water rights, operating rules and project regulations and ran all the data through CalSim (the 3.0 version) over the past 92 years of hydrology. CalSim is the established water planning model for all things California.

To assess climate change, they remodeled 92 years via CalSim for each of those 20 climate projections. (Remember, the climate was the only variable.) And then all these findings were averaged into a prediction for comparison to the baseline results.

On its surface, the headline conclusion was that by midcentury climate change will reduce deliveries of the existing State Water Project and Central Valley Project systems by about 10 percent, something north of a combined 500,000 acre-feet. Yet it is behind the bottom line where things arguably get more interesting, and the head begins to hurt.

One of my favorite water professors frequently says, "All models are wrong and some are useful." At one end of the spectrum, an Australian climate change model used in this study predicts a plummet in precipitation and resulting State Water Project decline in deliveries of up to 44 percent by midcentury. At the other end, a Canadian model predicts 24 percent more water for California and the State Water Project than today.

My preference in beer embraces Australian bitter over the staid lagers of Canada. My taste in water models is suddenly trending the opposite. Beer aside, averaging our best climate change models provides a statistical midpoint, not a precise prediction.

Water agencies have worked with regulators during all previous droughts to prevent status-quo reservoir operations from resulting in "dead pool," when a dam as mighty as Shasta or Oroville or Folsom would be so empty that it could no longer release water to sustain the river downstream. Such years may become four to five times more prevalent, absent changes in water use and regulatory requirements.

Higher temperatures could require as much as 1.4 million acre-feet of additional water to grow the same crops in the Central Valley as today. To embrace the enormity of this finding, my employer at the Metropolitan Water District of Southern California could surrender its entire Northern California supply for the global need of food production, yet Central Valley farmers by midcentury might still not produce the same amount of food as today.

Outflows in the early winter months of January and February will be far greater than today due to more rain and less snow – if we continue with today's reservoir operating rules to release the water rather than hold it back in the event of future big storms. Meanwhile, the existing CVP and

SWP pumping facilities in the Sacramento-San Joaquin Delta, under their own existing rules, would be capable of capturing only 15 percent of the additional outflow.

The founding fathers of environmental groups and government agencies who launched the Bay Delta Conservation Plan/[California WaterFix](#) a dozen years ago never mentioned climate change in their [planning agreement](#). Yet climate change, and the need for northern intakes in the Delta to reliably capture fresh water in the coming precious windows of abundance, may emerge to be the single greatest rationale to modernize the existing Delta facilities.

It seems all but inevitable that we as a state are going to manage tomorrow's climate by adapting the management of water. But how? If this assessment is anywhere near accurate, today's challenges will seem, by midcentury, to be the good old days.

*The views expressed in this article belong to the author and do not necessarily reflect the editorial policy of Water Deeply.*

## Water Deeply

# For Next California Governor, There's Plenty of Advice on Water Issues

Californians choose a new governor in just a few weeks. At a recent water conference in Sacramento, participants got a chance to offer the newbie some advice. There was plenty to be heard, as well as some wry humor.

Written by [Douglas E. Beeman, Water Education Foundation](#) Published on [Oct. 10, 2018](#) Read time Approx. 2 minutes

There's going to be a new governor in California next year – and a host of challenges, both old and new, involving the state's most vital natural resource, water.

So what should the next governor's water priorities be?

That was one of the questions put to more than 150 participants during a wrap-up session at the end of the Water Education Foundation's Sept. 20 [Water Summit](#) in Sacramento.

The audience was asked to respond via a mobile phone survey app to five questions, four of them stemming from Water Summit speakers and panels on climate change, headwaters challenges, the Sacramento-San Joaquin Delta and the state's human right to water law.

The last question asked: "If you were California's next governor, what would your priorities be regarding water?"

Participants responded with a wide-ranging potential to-do list – increasing flood protection and drought resiliency, improving dam safety and access to clean and affordable water for economically pressed communities, focusing on more water storage and groundwater recharge, and doing more for ecosystem restoration and forest management.

California voters will elect a new governor Nov. 6. Democrat Gavin Newsom and Republican John Cox are running to succeed Gov. Jerry Brown. The winner will be sworn in Jan. 7, 2019.

The water summit drew participants from water agencies, engineering firms, law firms, farms, environmental groups, government agencies and other backgrounds. Not surprisingly, the priorities were as varied as the participants and fell under these key topics:

- **Fix stuff:** Address aging infrastructure; improve water efficiency and food security; Salton Sea restoration
- **Trim red tape and use science:** Reduce regulatory redundancy and complexity; streamline decisions and science

- **Water supply:** Accelerate implementation of the state's Sustainable Groundwater Management Act; accelerate recycled water
- **Ecosystems:** Address shrinking snowpack and climate change effects; clean up forests and improve ecosystems
- **Other priorities:** Provide housing for the homeless to get them off the riverbanks; expand the range of voices addressing California's water needs, and more.

You can read the full list, along with responses to other questions stemming from the summit, [here](#).

Yet some participants were clearly skeptical that any water issues would find easy fixes.

“There are no silver bullets,” wrote one. Another suggested, “Whiskey needed.”

Still another offered this bracing advice to the next governor: “Find an easier topic for a legacy.”

*The views expressed in this article belong to the author and do not necessarily reflect the editorial policy of Water Deeply.*

## Plan to revive rivers pits SF against California

[Kurtis Alexander](#) Oct. 14, 2018 Updated: Oct. 14, 2018 6 a.m.

The rivers that once poured from the Sierra Nevada, thick with snowmelt and salmon, now languish amid relentless pumping, sometimes shriveling to a trickle and sparking a crisis for fish, wildlife and the people who rely on a healthy California delta.

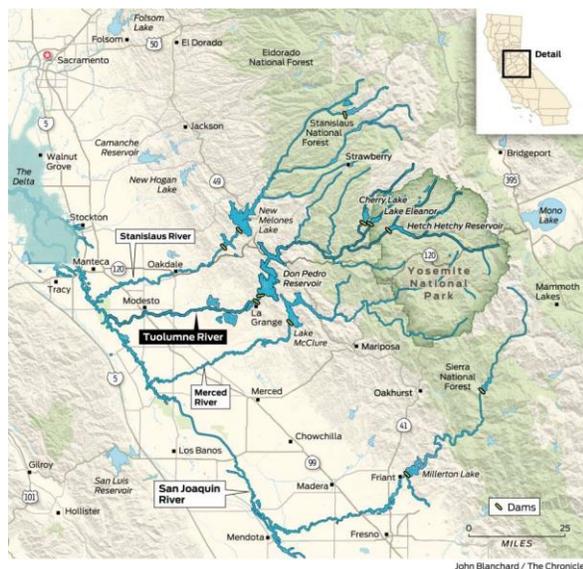
A [state plan to improve these flows](#) and avert disaster, however, has been mired in conflict and delays. And critical opposition is coming from an unexpected place: progressive San Francisco. City water officials worry that the far-reaching effort to revive hundreds of miles of waterways will mean giving up too much of their precious mountain supplies.

Now, as the city water department works to defeat the state plan — pitting itself against environmental groups in an unlikely alliance with thirsty Central Valley farmers, as well as their backers in the Trump administration — some at City Hall have begun wondering if San Francisco is on the right side of California’s latest water war.

In a recent sign of an emerging divide, Supervisor Aaron Peskin is threatening to introduce a resolution that challenges the position of the San Francisco Public Utilities Commission and declares the city officially in support of the state’s river restoration.

“I’m concerned that the PUC is playing footsie with the Trump administration at the detriment of the environment,” Peskin told The Chronicle. “This is a city that prides itself on its environmental record, and we should be part of the solution.”

Whether Peskin’s measure could force the largely independent Public Utilities Commission to change course is unclear. So is the resolution’s chance of winning approval from the full Board of Supervisors.



Peskin's colleagues and those at the water agency remain concerned that forfeiting water, under the state plan, would [prompt mandatory water cuts and drive up water rates](#) as the city is compelled to seek out new, pricey supplies, such as desalination.

But what is clear is that, even without a successful resolution, the city's rift is providing momentum for environmentalists advocating for the rivers. By putting the Public Utilities Commission in the spotlight, they hope to see more of a backlash, and in doing so weaken the hand of San Francisco, which they view as a major hurdle to the state's effort to rescue the river system.

"The SFPUC is not representing the values of its residents," said Peter Drekmeier, policy director of the Tuolumne River Trust. "We expect the Central Valley irrigation districts to oppose the plan. But San Francisco?"

"And, yes, (the city has) a lot of influence over this," he said.

At issue is how much water should flow from the Sierra Nevada's many rivers to the Sacramento-San Joaquin River Delta, a vital ecological and water-supply hub where the state's two largest waterways converge. As it stands, most of the rivers feeding the delta run at only a fraction of their natural flow because of the heavy draws by cities and farms.

The result has been declining water quality and lost wildlife habitat. The chinook salmon population is collapsing, a blow that has reverberated up the food chain to eagles, orcas and beyond. The delta estuary is menaced with invasive weeds and pollution.

Under the plan, the State Water Resources Control Board is proposing that no more than 40 percent of the flows of the San Joaquin River and its tributaries, on average, be taken from the channels during peak runoff periods. The average flow now is less than 30 percent. A similar proposal is forthcoming for the Sacramento River.

State officials tout their effort, formally known as the Bay Delta Plan, as a compromise that will save the delta and the rivers while still leaving the bulk of the water for human consumption.

San Francisco and some of the state's largest irrigation districts, however, contend they won't get enough water to support their needs.

The Tuolumne River, the source of San Francisco's famously pure Hetch Hetchy supply, averages just 21 percent of its historic flow at peak runoff. Meeting the state's target would mean drawing 7 to 23 percent less water from the Tuolumne and other rivers in the San Joaquin River watershed, according to state estimates.

Officials at the Public Utilities Commission acknowledge that in wet years there wouldn't be any supply problems. But when it gets dry, they say, residents and businesses would invariably face water rationing — as much as a 40 percent reduction during a severe drought. Over the long run, as new water sources are developed, water rates could increase, they say, up to 17 percent over 15 years.

Much of the hardship would extend to the roughly two dozen Bay Area communities that purchase water from the city.

Michael Carlin, deputy general manager for the Public Utilities Commission, said the city agency is not ignoring the health of the river. The utility invests millions on restoring the Tuolumne's habitat. But Carlin said he has to look at more than just fish.

"I'm responsible for clean drinking water and protecting the environment, and there's a cost to doing both," he said. "It's a balance sometimes. People don't always see that balance. But it's there."

Officials at the Public Utilities Commission were not aware of any formal push by the Board of Supervisors to block their opposition to the state's effort, saying only that they had been in conversation with board members about the matter.

"I don't think we're going to change course at this point," Carlin said.

San Francisco has played an outsize role in the statewide debate over the Bay Delta Plan.

While water issues often split between agricultural and urban interests, the city's resistance to the plan has created an unusually powerful bloc with the farming industry to take on the state.

"I'm totally amazed that the State Water Board has been able to stick to their guns," said Heinrich Albert, a water committee co-chair at the San Francisco Bay chapter of the Sierra Club. Albert has fought for the state's initiative but acknowledges the city's power to derail it.

The city-farm alliance has recently won the backing of the Trump administration. Interior Secretary Ryan Zinke this summer criticized the Bay Delta Plan as being unfair to water users while President Trump has taken to Twitter to call the state "foolish" for not wanting to pump more water from rivers.

The latest show of support from Washington came as a subtle, yet surprising move by the Fish and Wildlife Service. This month, the agency shied away from what had been widely construed as an embrace of the Bay Delta Plan's proposed flow increases. In a letter submitted to the Federal Energy Regulatory Commission on a separate but related issue of dams on the Tuolumne River, the agency said its strategy for protecting wildlife habitat could be accommodated with lower river flows.

A spokesman for Fish and Wildlife called the change in direction necessary "to balance the needs of people and nature." But supporters of the restoration were quick to suspect that the shift was the result of pressure from above.

Talks between water users and the state, mediated by former Interior Secretary Bruce Babbitt among others, have been ongoing. But so far they've produced no meeting of the minds. The State Water Board is scheduled to vote to approve the proposed targets for the San Joaquin River watershed next month. The decision has already been postponed once because of the disagreement.

Research by the state and independent scientists has shown that boosting water levels is the only way to salvage California's river system. A technical report by the State Water Board has recommended maintaining at least 60 percent of the natural flow of the San Joaquin River and its tributaries, though the board is willing to accept 40 percent for the sake of compromise.

The city's Public Utilities Commission, meanwhile, has [put forth alternative research](#), backed by the Turlock and Modesto irrigation districts, that suggests that the Tuolumne River can be restored without drastically cutting back on the amount of water taken out.

The study, performed by water agency scientists, calls for more habitat improvements, from planting trees along the river banks to enhancing gravel beds for fish to removing the invasive creatures that prey on salmon.

Critics have dismissed the city's report as simply self-serving.

Supervisor Peskin said he hopes the Public Utilities Commission will eventually stand down, and he's been speaking with agency officials to encourage them to do so. If they don't, though, he believes he's got a good shot at forcing their hand.

A resolution from the Board of Supervisors that proclaims the city in support of the Bay Delta Plan would not necessarily require the Public Utilities Commission to adopt the city's position.

The water agency operates independently of City Hall, with its own governing board, budget and staff.

However, the supervisors hold certain powers over the Public Utilities Commission. They must approve large infrastructure bonds and sign off on budgets, for example, and Peskin said he'd leverage that authority if the agency declines to cooperate.

“The bottom line is that if the Board of Supervisors were to set the policy of the city and county as having larger, unimpaired flows (in the river system), that would be a pretty significant move,” Peskin said. “It would have both political and legal implications.”

At least two of San Francisco's 11 supervisors have expressed formal support for the Public Utilities Commission in letters to the state. But Peskin believes he could win enough votes from the others to pass a resolution.

Mayor London Breed, who would have veto power over the measure, declined to comment for this story.

The governing board of the Public Utilities Commission, which typically doesn't get involved in the day-to-day affairs of the agency, like lobbying against the Bay Delta Plan, appears to be taking a greater interest in the issue. The board is nominated by the mayor and approved by the supervisors.

Board member Francesca Vietor told The Chronicle that she has reservations about her agency's stand.

“As a San Francisco resident and a commissioner, I'm not willing to compromise the well-being of our fish, rivers and ecosystems,” she said. “I'm not convinced we can't get to a better set of solutions.”

Commissioner Ike Kwon also expressed concern for the health of the rivers but appeared more confident in his agency's ability to protect both wildlands and water supplies.

“In a sense we're all environmentalists,” he said, “just to a different degree.”

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## East Bay Times

# Delta's largest wetlands restoration project kicks off in Oakley



Kristopher Tjernell, Deputy Director of the Integrated Watershed Management Program for the California Department of Water Resources, gives a speech at the Dutch Slough Restoration Project site in Oakley, Calif., on Wednesday, Oct. 17, 2018. The Department of Water Resources purchased three parcels of old farmland to be turned into functioning wetlands. The plan is to take this former dairy farm and return it to its natural state by breaching the levee after it moves 2 million yards of dirt to create the correct elevations for a tidal marsh for plants to grow. (Doug Duran/Bay Area News Group)

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) | Bay Area News Group

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More than 1,000 acres of unused farmland in East Contra Costa County are slowly being converted back to the vibrant wetlands they once were in what's hailed as the largest tidal marsh restoration project ever in the Sacramento-San Joaquin River Delta.

The Dutch Slough Tidal Marsh Restoration Project, which recently broke ground, is the California Department of Water Resources' first major tidal wetlands restoration in the Delta. On Wednesday, representatives of the various agencies involved in the effort gathered on site in Oakley to celebrate what started 15 years ago and is now in full swing.

"Envision what this place looked like 150 years ago," Patty Finfrock, Water Resources' tidal marsh restoration project manager, said while standing on a sand dune beside Dutch Slough. "Everything to the west was sand dunes and oak woodlands and everything to the east was tule marsh — 350,000 acres of tule marsh all the way from Sacramento to Stockton. The best estimates are that only 2 to 5 percent of those are left, so we are going to try to get back a little bit of that habitat that was so crucial to native species here in the Delta."

Finrock said that before European settlers came and built levees for agriculture, the Delta was extremely complex.

“All the changes that humans have done have simplified things — straightened the channels, closed off the marshes — so we’ve lost a lot of our species, as there’s nowhere for them to live anymore,” she said. “What we are doing with this project is reintroducing that diversity. We are creating a big, complicated mosaic of different micro-habitats for lots of different species.”



An excavator is used to work on part of the Dutch Slough Restoration Project in Oakley, Calif., on Wednesday, Oct. 17, 2018. The Department of Water Resources purchased three parcels of old farmland to be turned into functioning wetlands. The plan is to take this former dairy farm and return it to its natural state by breaching the levee after it moves 2 million yards of dirt to create the correct elevations for a tidal marsh for plants to grow. (Doug Duran/Bay Area News Group)

In addition to the restored marsh, the project will provide more trails, a fishing pier, water access for non-motorized boating, and recreational and educational opportunities. Meanwhile, the city of Oakley plans to develop a 55-acre park abutting the wetlands for nature lovers to enjoy. Left intact are more than 13 acres of 150-year-old grapevines that originally were slated for removal.

The \$63.5 million project is part of California EcoRestore, an initiative to restore 30,000 acres of critical Delta wildlife habitat by 2020. The multi-agency group is highlighting a series of six restoration projects that broke ground this year, including the Fremont Weir this spring.

John Laird, Secretary of the California Natural Resources Agency, said 17,000 acres of wetlands restoration are already in the works and more are planned.

“It has been our goal to really try to restore wetlands and march down the path to where they once were, where there were hundreds of thousands of acres and a fraction now, and it is a hard thing to do,” he said, pointing to the many hurdles agencies must clear.

In late May, construction workers began the formidable task of moving two million cubic yards of dirt in one of the few remaining undeveloped areas along East Cypress Road in Oakley. The colossal mounds of dirt are being moved from a former dairy farm to create the correct tidal marsh elevations for plants to grow, Finfrock said.

The Dutch Slough project is designed to advance scientific understanding of Delta restoration and benefit the many native species, among them the chinook salmon and Sacramento splittail, she said.



“We hope this is going to be a good nursery for the baby salmon that come down here ... and the splittail like to breed in a tidal marsh,” Finfrock said. “We are hoping this will encourage the return of native species.”

The restoration project encompasses 1,187 acres in an area that stretches from Marsh Creek east to Jersey Island Road and is bounded by Dutch Slough at the north end of Sellers Road and the Contra Costa Canal to the south. It is part of the Department of Water Resources’ Delta Levees Program, which funds levee improvements and projects that preserve and restore Delta habitats.

John Laird, Secretary of the California Natural Resources Agency, gives a speech at the Dutch Slough Restoration Project site in Oakley, Calif., on Wednesday, Oct. 17, 2018. The Department of Water Resources purchased three parcels of old farmland to be turned into functioning wetlands. The plan is to take this former dairy farm and return it to its natural state by breaching the levee after it moves 2 million yards of dirt to create the correct elevations for a tidal marsh for plants to grow. (Doug Duran/Bay Area News Group)

The Dutch Slough Project dates back to 1998 when John Cain, then with the Natural Heritage Institute, visited the area and envisioned it for tidal wetlands restoration. He would later organize field trips for scientists and help convince the property owners to sell their land to the state.

In 2003 the Department of Water Resources purchased three properties for \$28 million on the western edge of the Delta known as the Emerson, Gilbert and Burroughs parcels. Formerly home to a dairy operation and cattle grazing, the pasture land was earmarked for a housing development before Water Resources stepped in.

The agency’s goal, according to Finfrock, is to create an area that’s mostly flooded at high tide and exposed when the water recedes, an environment that will encourage the return of native wildlife and plants.

Once it has finished grading, Water Resources will establish the marsh by cutting channels to route the tidal water through the parcels, Finfrock said. When completed, about 50,000 tules will be planted across the marsh plain, as well as riparian trees, grasses on levee slopes and other native plants, which will be managed for two years until the next phase, she said.

After the plants are established, likely by 2020, Water Resources plans to breach the levees in a multiphase project.

Once completed, Dutch Slough will provide flood protection for surrounding neighborhoods and serve as a regional park, with Marsh Creek Trail rerouted through the new wetlands so visitors can enjoy hiking, bird watching and fishing.

For Oakley Councilman Kevin Romick, who has been watching the project since its inception, the restoration is “a tremendous project the city can take pride in.”

“For the city of Oakley, the three families — Emerson, Gilbert and Burroughs (who sold the land) — have provided us with a truly unique gift,” he said. “Combined with the adjacent Big Break Regional Shoreline, this project will provide over 3,000 acres of open space and eight miles of Delta shoreline on the urban edge. It’s creating a serene environment devoid of development and interrupted only by the sounds of nature.”



Published October 17th, 2018

## Split MOFD board approves three-year labor contract with firefighters union

By Nick Marnell

The Moraga-Orinda Fire District came within one vote of a near meltdown.

A deeply divided MOFD board narrowly approved a three-year labor contract with the firefighters union Oct. 3 and staved off an impasse and a likely unfair labor practice charge filed by the union had the agreement not been passed. The board voted 3-2 in favor, with the swing vote coming from Director Steve Anderson, who had previously balked that the agreement was overly generous to the union.

"It was political suicide," Anderson said of his vote to approve the agreement. "But it was the best thing to do for the district. We needed that so that MOFD can move on, and the chief can do the job he wants to do." Anderson is fighting a hotly contested Division 3 race against a union-backed candidate and an independent. The agreement includes a 13 percent wage increase over the three years, a portion of which is a 5 percent equity adjustment, used to address how far district employee wages had drifted below comparable compensation in the market. "It was a way to catch up to the median," said district lead negotiator Jeff Sloan.

"I am still in shock," said Division 3 independent candidate Red Smith. "I guess it was a parting gift to labor from the three board directors that are either retiring or being challenged for their board seats."

Kathleen Famulener, one of the two directors who is retiring, voted for the agreement. Famulener has been in favor of pay increases for the rank and file since the beginning of negotiations, to the extent that she protested the funding of the district pension stabilization trust in order to have more money available for firefighter compensation. Outgoing President Brad Barber, hoping to bring the community together, cast a yes vote despite his reservations. "The financial condition of the district is a serious problem," Barber said. "We don't have enough revenue and we have too much pension liability."

Director Craig Jorgens, who voted no, disagreed with the comparables used to arrive at the equity adjustments, insisting that salary and benefits - not just salary - should have been included in the formula. Jorgens also called the negotiation process broken, complaining that the public only saw information once the tentative agreement was reached, allowing not enough time for citizen input.

The other no vote was cast by John Jex, the director who based his action on what he often cites as the tenuous financial condition of the district. "Our general fund reserves are totally inadequate," Jex said.

According to the latest audited district financial statements, MOFD reports an unfunded pension and retiree health care liability of \$68 million and a general fund reserve of nearly \$5 million.

With such a bitterly divided final vote, neither management nor labor engaged in any high fives or victory laps, and reactions were muted, if any. "We looked forward to having this contract settled so we can move on to other things," said Vince Wells, Local 1230 president. Fire Chief Dave Winnacker declined to comment on the agreement.

The new labor pact runs through June 30, 2021.

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## The Sacramento Bee

# ‘So much water.’ Trump moves to slash environmental rules on Delta, putting farms before fish

By Dale Kasler

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October 19, 2018 01:02 PM

Updated **October 21, 2018** 07:41 AM

The Trump administration Friday pledged to slash the thicket of federal environmental regulations that govern the Delta and much of California’s water supply, aiming to increase water deliveries to his political allies in the San Joaquin Valley.

President Donald Trump [signed a memorandum](#) directing his underlings to review a broad swath of water regulations and “eliminate all unnecessary burdens,” the president said during an appearance in Arizona.

Trump’s memo drew quick reaction from California officials, who have fought the Trump administration on multiple fronts and said water supply can co-exist with environmental goals. “We can and must do both, without sacrificing one for the other,” said spokeswoman Lisa Lien-Mager of the Natural Resources Agency. “We hope we can continue working with the federal government to achieve these shared goals.”

The order represents Trump’s latest effort to make good on a campaign promise to bring more water to Valley farmers, who have chafed for years under environmental restrictions that prioritize water for salmon, Delta smelt and other endangered species. In August, Interior Secretary Ryan Zinke sent a [blunt memo to his aides](#) demanding an action plan to push more water south through the Delta and onto Valley farms.

“What’s happened there is disgraceful,” Trump said of California’s water situation. “They’ve taken it away. There’s so much water, they don’t know what to do with it, they send it out to sea .... They don’t let the water come down into the Valley and into the areas where they need the water.”

Trump was surrounded by five Republican congressmen from the Central Valley: Tom McClintock, Devin Nunes, Jeff Denham, David Valadao and House Majority Leader Kevin McCarthy, whom he credited with bringing the issue to his attention. “They are the ones who really led this drive,” the president said.

Denham, in a press release, said: “My number one priority has always been to deliver more water to the Central Valley. This order will reduce regulatory burdens and promote more efficient environmental reviews of California water storage projects, ensuring that Valley farmers and residents have a supply of water for generations to come.”

The memorandum, among other things, orders the administration to speed up a 2-year-old examination of the rules covering how water is [pumped through the Sacramento-San Joaquin Delta](#) — the environmentally fragile hub of California’s elaborate water delivery network.

Trump’s insistence on strict timetables for completing that review suggests he wants to find ways to pump more water to the San Joaquin Valley’s farmers, potentially at the expense of endangered fish species that ply the Delta’s waters. Sometimes the pumps have to be shut off or throttled back, allowing water to flow to the Pacific, in order to keep fish from being sucked into the pumps.

“For the last decade people have done a lot of talking and a lot of examination (of the Delta) and the reality is that the on-the-ground results for people and species have not dramatically improved,” Deputy Interior Secretary David Bernhardt told reporters.

Bernhardt is a [former lobbyist for Westlands](#) Water District, a Valley irrigation district that has long advocated increased pumping operations. He vowed that the administration would move “in a way that’s protective to species and responsible to people.”

Asked about the timing of the memorandum, just weeks before the midterm election, Bernhardt said, “I think the administration got to a point where they’re ready to make a decision” on water issues.

Farm groups applauded the president’s initiative. “This action is an important and common-sense move that will benefit Western farmers and ranchers,” said Dan Keppen of the Family Farm Alliance.

Environmentalists immediately pounced. Noah Oppenheim of the Pacific Coast Federation of Fishermen’s Associations said Trump is trying to “gloss over the science” and his initiative would leave endangered fish populations defenseless.

The memorandum also covered environmental regulations covering the Klamath Irrigation Project in Oregon and the Columbia River Basin project in Washington state.

Earlier Friday, [it appeared that Trump was stepping into one of the biggest water wars of all](#) — the State Water Resources Board’s plan to re-allocate more of the San Joaquin River watershed’s supplies to fish at [the expense of farms and cities](#), but Friday’s move stopped short of that.

Bernhardt said the Trump administration stands by its earlier threat to sue the state if it goes forward with the plan. But he said the administration also wants “wind through the process in a way that’s amenable to all parties.”

## East Bay Times

# Bay Area tops U.S. in new office space, but lags in housing starts



An Amazon logo is visible on a building adjacent to an office tower in Sunnyvale that is under construction and has been leased to Amazon. Amazon has begun to assemble a mega-campus in Sunnyvale next to the eastern edges of Moffett Field for two of the online commerce giant's cutting-edge subsidiaries, leasing enough offices to accommodate 5,000 or more workers. Seattle-based Amazon has leased a minimum of four Sunnyvale office buildings just east of Moffett Field, Santa Clara County public records, this new organization's on site research, and property listings shows. George Avalos / Bay Area News Group

By [Louis Hansen](#) | [lhansen@bayareanewsgroup.com](mailto:lhansen@bayareanewsgroup.com) | Bay Area News Group

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The Bay Area is a hot place to build cubicles, conference rooms and office suites. But don't look for as many hammers pounding out new homes, condos and apartments.

The region is expected to open 18.2 million square feet of office space in 2018 — tops in the nation and more than New York City and Dallas combined — while home, condo and apartment building has grown only modestly.

More work space, more jobs and more people chasing a limited supply of homes is expected to add more steam to the pressure cooker of the Bay Area housing market.

“It's encouraging that so many respected employers are investing in Bay Area jobs and immigration growth” said Carl Guardino, CEO of the business-backed Silicon Valley Leadership Group. “But we all recognize that jobs need a place to go home and sleep at night.”

The region created six times as many jobs as housing units between 2010 and 2015, according to a study by the leadership group and the Silicon Valley Community Foundation. The increased housing pressure has forced lower-income workers out of the region at much faster rates than higher paid workers, even as jobs go unfilled.

The run up in commercial development is led by major office openings in the South Bay, according to a survey from real estate data company Yardi Matrix. The big projects in 2018 include the official, complete opening of the 2.9 million square foot Apple Park in Cupertino, Park Tower at Transbay and The Exchange on 16th in San Francisco totaling 1.5 million square feet, and Facebook's MPK 21, a half-million-square-foot campus designed by Frank Gehry in Menlo Park.

Other major developments underway include the Voyager property developed by Nvidia in Santa Clara, Microsoft and Google projects in Mountain View, the Stoneridge Mall Road project in Pleasanton, and Moffett Towers in Sunnyvale, according to Yardi Matrix.

The real estate data firm estimates that commercial openings in Santa Clara County are up 6.5 percent over the same period last year. The San Francisco and Oakland metro has seen three times as much commercial space open up this year compared to last year.

Meanwhile, housing starts have lagged on the Peninsula but have been stronger in the East Bay and San Francisco. Local governments in Santa Clara County have issued permits for 5,500 housing units through August, a drop of 8.5 percent from the same period in 2017, according to the Sacramento-based Construction Industry Research Board.

Residential building has been more robust in the San Francisco, Oakland and Hayward metro, with permits for 12,370 units issued through August, an increase of 10.3 percent from the previous year, according to the research board.

Planners and analysts say residential building has not been strong enough to make up for a decades-long deficit in new housing.

"If you keep pace in 2018, it doesn't do anything to work off the backlog," said Steve Levy, director of the Center for Continuing Study of the California Economy in Palo Alto. "We need a lot more to work off the backlog."

Levy believes the Bay Area recently has improved its mix of housing and commercial development. He pointed to major projects in Santa Clara County — North Bayshore in Mountain View and Vallco Mall in Cupertino — that are expected to bring thousands of new homes, condos and apartments. Several other developments have been planned and approved but have not been completed.

Robert Dietz, chief economist at the National Association of Home Builders, said residential growth in the Bay Area has been slowed by high costs for land and labor, in addition to nationwide increases in construction materials, especially Canadian lumber.

The surge in Bay Area office development also pulls construction workers away from residential projects, he said. And high housing costs for workers make it more difficult to recruit skilled laborers.

The result has been rising costs for new home construction. “How do you build that starter home?” Dietz said. “You’re just going to chase your younger generation away.”

High housing costs remain a top concern among Bay Area residents, according to polls. California residents will vote on a \$4 billion bond measure in November to support housing for veterans and low income residents. The additional funds will support subsidized housing but will not address the majority of the housing market.

“It is crisis proportions,” Guardino said. “The only step higher is Biblical proportions.”

**East Bay Times**

# **Election could unlock billions of dollars for housing, ramp up Bay Area development**

## **Prop. 1 and 2 could bring up to \$6 billion for affordable housing**

By [Marisa Kendall](#) | [mkendall@bayareanewsgroup.com](mailto:mkendall@bayareanewsgroup.com) | Bay Area News Group  
PUBLISHED: October 22, 2018 at 6:00 am | UPDATED: **October 22, 2018** at 3:20 pm

Up to \$6 billion for affordable housing is on the line in November as California voters prepare to weigh in on two statewide bonds that could fund tens of thousands of new homes in the Bay Area and beyond — potentially making a dent in the housing shortage.

City officials, nonprofits and developers say they're counting on [Proposition 1](#), which would provide \$4 billion for affordable housing construction and home loans, and [Proposition 2](#), which would authorize \$2 billion to build housing for people with mental illness, to help them fill the dire need for cheaper alternatives to the Bay Area's exorbitantly priced homes and apartments.

Together, the bonds represent a major effort to address a statewide housing crisis that has pushed the cost of buying or renting a home out of reach of all but the highest earners and forced many workers to live far from job hubs. If Prop. 1 succeeds, it would be the first statewide general housing bond passed since voters authorized a \$2.9 billion bond in 2006. That money is all gone. And in 2012, the state dissolved its redevelopment agencies, eliminating another major source of affordable housing funding.

“We have to do something, or else there's going to be some horrible consequences,” said state Sen. Jim Beall, D-San Jose, who wrote the legislation that placed Prop. 1 on the ballot.

If passed, the measures would fund a variety of state housing initiatives — money would go toward building and renovating multifamily rental units for families making 60 percent or less of the area median income, for example, and to help low and moderate-income home buyers make down payments on their first home.

But opponents worry about the cost of funding the measures. Prop. 1 would create debt that ultimately would be paid back by taxpayers — adding to the existing \$83 billion in bonds the state already is paying off. Prop. 2 would divert funds previously earmarked for mental health services.

Many people with severe mental illness are not able to live safely on their own, said Gigi Crowder, executive director of NAMI Contra Costa. If they are placed in housing without receiving intensive treatment, they could hurt themselves or end up back on the streets.

“Over time, they lose the housing — and that’s sad, but it’s true,” she said.

San Jose officials say the bonds could help move the city closer to its [ambitious goal of building 10,000 affordable homes by 2022](#). The city has the money to build about half of those units and would need another \$600 million to fund the rest, said Rachel VanderVeen, deputy director of the San Jose Housing Department. Prop. 1 and 2 wouldn’t completely fill that gap — San Jose won just \$127 million from the 2006 housing bond — but it would be a start, VanderVeen said. San Jose also has a local housing bond on the ballot, dubbed Measure V, which would raise \$450 million for affordable housing.

In San Francisco, the city needs funding for about 900 affordable housing units that are set to be built through 2025. It would take an estimated \$272 million to build them all, according to the San Francisco Mayor’s Office of Housing and Community Development.

If the state bonds pass, “you’re going to see a very definite increase in production, not only here, but across the whole state,” said Geoffrey Morgan, president and CEO of San Jose-based nonprofit affordable housing developer First Community Housing.

If approved by a majority of voters, Prop. 1 would authorize \$3 billion in bonds to build affordable multifamily housing, housing in urban areas near public transit, and farm worker housing, and provide loans and grants for low and moderate-income home buyers. The measure also would provide an additional \$1 billion to help veterans buy homes.

The bond would help fund up to 30,000 multifamily and 7,500 farm worker homes, according to the Secretary of State’s voter guide.

Money spent under Prop. 1 eventually would have to be repaid with interest. State officials estimate it would cost taxpayers \$5.9 billion to pay off the \$3 billion bond — or about one-tenth of 1 percent of the state’s general fund budget. The \$1 billion in veteran assistance would be repaid by the veterans themselves.

Prop. 2 would allow the state to borrow up to \$2 billion to build and rehabilitate housing for the mentally ill who are homeless or at risk of becoming homeless. The state would repay the money by diverting funds raised by the 2004 Mental Health Services Act, which increased the income tax for those earning more than \$1 million to fund county mental health programs. More than 134,000 people are homeless in California, according to the Department of Housing and Urban Development’s 2017 point-in-time count. As many as a third are living with an untreated mental illness, according to a pro-Prop. 2 report by the presidents of Mental Health America of California and the California Police Chiefs Association, and a former member of the National Advisory Mental Health Council of the National Institute of Mental Health.

Some mental health workers oppose taking money from mental health services and putting it toward housing. While Prop. 2 promises to build “supportive housing,” which would provide residents with medical care, case managers, job training and other services, Crowder of NAMI Contra Costa argues it likely won’t be enough to help the severely mentally ill safely stay in their homes.

“We do not feel hopeful that once the housing is built, that those with severe mental illness will benefit greatly from the housing,” she said.

Prop. 1 and Prop. 2 have garnered a great deal of support so far. The only voice opposing Prop. 1 in the Secretary of State’s official voter guide is attorney Gary Wesley, who often argues against statewide ballot measures that have no other organized opposition.

“I think they’ll pass,” said David Garcia, policy director for the UC Berkeley Turner Center for Housing Innovation, “because they really have a broad group of supporters that really understand that need for more resources to address the housing and homelessness crisis.”

## San Francisco Chronicle

# SF supes urge backing off alliance with farmers, Trump on reviving rivers

[Kurtis Alexander](#)

Oct. 30, 2018 Updated: **Oct. 30, 2018** 9:53 p.m.

The San Francisco Public Utilities Commission, which provides water to the city and more than two dozen suburbs, has fiercely opposed a far-reaching state plan to revive California's river system, including the languishing Sacramento-San Joaquin River Delta, because it means giving up precious water supplies.

The agency's bid to protect its stake on the Tuolumne River, high in the mountains of Yosemite, and prevent potential water shortages has aligned it with similarly concerned Central Valley agricultural suppliers and their allies in the Trump administration. The unlikely alliance has created a powerful bloc that has so far succeeded in sidelining the state's restoration effort.

San Francisco Supervisor Aaron Peskin put forward a resolution Tuesday, insisting that [a city known for its environmental bona fides should stand up for the rivers](#) and not partner with Washington to let them run dry. The board unanimously approved his measure, which pledges full city support for the state plan. The plan is scheduled to be taken up by state officials next week.

"It's time for a new page," Peskin said. "It is time not to act like a business enterprise, but realize the health of our region is at stake."

The mostly symbolic resolution stops short of telling the quasi-independent Public Utilities Commission what to do. But it sends a signal to the water agency about where the supervisors stand and that more severe action could follow.

Officials at the Public Utilities Commission said after Tuesday's vote that they had no intent to stop pushing for a solution that would provide more water to the city than is currently promised in the state proposal. They cited a provision in the resolution that allows for additional talks with the state.

"We support the goals of the state plan, but not the methods that they are using to get to that goal," said spokesman Tyler Gamble. "We're going to continue moving forward with the negotiations."

Peskin has threatened to use the board's budgetary powers to weaken the Public Utilities Commission if the agency puts up too much of a fight.

The initiative by the State Water Resources Control Board comes as the rivers that once poured from the Sierra Nevada run low because of relentless pumping by cities and farms. The lack of water has decimated the delta, a critical juncture for salmon and other wildlife as well as the hub of California's water supplies.

To address the impending crisis, state officials want to boost the amount of water in the San Joaquin River and its tributaries that flow to the delta by limiting draws to no more than 60 percent of a river's flow during peak runoff periods. Currently, some rivers run at just 10 percent of their natural level.

The state water board is slated to vote on the proposal next Wednesday. A similar initiative for the Sacramento River and its tributaries is expected to follow.

Environmental groups and the fishing industry, which have long supported the state's restoration effort, applauded Tuesday's action by the Board of Supervisors.

"We have renewed hope that we'll finally get a little bit more water in the rivers that is so desperately needed," said John McManus, president of the Golden Gate Salmon Association.

Largely due to insufficient river flows, the number of salmon in the San Joaquin River watershed has plummeted to a fraction of the tens of thousands that spawned there just decades ago. The decline has had a heavy toll on fishermen.

McManus speculated that without San Francisco's opposition, the state water board would be more inclined to move forward with its plan next week.

The Public Utilities Commission's unlikely alliance with agricultural water suppliers on an issue often split between urban and rural interests had given city water officials unusual clout on the matter.

For more than a year, moderators tapped by the state to work with opponents of the state plan, including former Interior Secretary Bruce Babbitt, had urged the city to back off. So had Gov. Jerry Brown.

Peskin acknowledged that the Public Utilities Commission could continue to work behind the scenes to fight the state, but he said his resolution is almost certain to prevent the agency from taking legal action.

While state officials have touted the so-called Bay Delta Plan as a compromise that will help rescue California's river system yet still leave the bulk of water for humans, several municipal water agencies and irrigation districts believe they're not getting enough.

Meeting the state's target on the San Joaquin River and its tributaries would mean drawing 7 to 23 percent less water, according to state estimates.

The San Francisco Public Utilities Commission has said the plan would necessitate immediate development of alternative water sources, like desalination plants, prompting higher water rates of as much as 17 percent over 15 years in order to fund the new infrastructure.

Water rationing may also be needed until additional supplies come on line, according to the agency.

“Our core responsibility is to deliver clean, reliable, safe drinking water,” said Harlan Kelly, the Public Utilities Commission general manager, at a committee hearing Monday on Peskin’s resolution. “We are prepared to put more aside, but we thought it must be done in a responsible way.”

The agency has maintained that it can revive struggling salmon runs on the Tuolumne River without major water cuts to cities, though the state and independent scientists say that’s not possible.

Opponents of the Bay Delta Plan have won recent support from Washington, where Interior Secretary Ryan Zinke has characterized the state’s proposal as a water grab and threatened to take legal action to stop it.

President Trump has criticized California on Twitter for being “foolish” for not wanting to pump more water from the rivers.

At Monday’s preliminary hearing on the San Francisco resolution, a handful of labor activists and workforce development officials also questioned the state’s push to withhold supplies from people when shortages could affect businesses and jobs.

Mayor London Breed has been mum on the issue. She declined repeated attempts by The Chronicle to get her to comment on efforts to restore the rivers and the delta ecosystem.

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Published October 31st, 2018

## ConFire's Carman named fire chief of the year

By Nick Marnell



Jeff Carman Lamo archive

The California Fire Chiefs Association named Contra Costa County Fire Protection District Chief Jeff Carman as its 2018 statewide fire chief of the year at its annual conference in Sacramento. The Ronny Jack Coleman award is named after retired State Fire Marshal Ronny Coleman and recognized Carman as a role model for all fire chiefs in the state as demonstrated through his leadership and management, not only with ConFire but also regionally and statewide.

"We are so proud that Chief Carman has been recognized for his achievements," said Karen Mitchoff, chair of the Contra Costa County Board of Supervisors. "We are fortunate to have him serve our community, and congratulate him and those who support him on this special recognition from his peers." The county board of supervisors, which doubles as the ConFire board of directors, recognized Carman during its Oct. 9 meeting.

Jeff Meston, president of the fire chiefs association and fire chief of the South Lake Tahoe Fire Department, specifically praised Carman's efforts in securing state funding for repositioning of local strike teams and for the formation of the Alliance, the partnership between ConFire and American Medical Response to deliver emergency medical service to the bulk of Contra Costa County. "Agencies all over the state are watching the progress of that EMS model," said Meston, who also noted that 22 different local strike teams had been repositioned throughout the state by mid-October thanks in large part to Carman's efforts. Fire resources have been repositioned four times throughout Contra

Costa County in response to red flag warnings this fire season.

"It was quite a surprise," Carman told his Advisory Fire Commission Oct. 8 of the award. "I haven't done anything on my own, but it's been a team effort. And I hope that we can continue that effort. I accept that award on behalf of the whole organization."

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Published October 31st, 2018

## Lafayette residential occupancy fire inspections nearly complete

By Nick Marnell



ConFire Capt. Steve Aubert prepares to inspect the post indicator valve. Photos Nick Marnell

properly now."

Fire Prevention Capt. Steve Aubert conducted an inspection of a Lafayette apartment complex. "We don't schedule these visits. You want to see things on their worst day," he said.

Aubert first checked that the fire roads were properly marked, and that the fire hydrants were not blocked. He saw the structure had a sprinkler system, so he checked the post indicator valve - the valve that controls the sprinkler system. It was operational. The fire department connection inlets were accessible and functioning, ensuring an adequate water supply.

"We are not allowed to go into individual apartments," Aubert said, as he inspected the indoor common areas, corridors, hallways and elevators. He found his first violation along one of the inside walls: the fire extinguisher was not stamped as tested.

Fire rated doors were inspected for smoke seals. The elevator was tested. Aubert checked the horn strobe system, which produces flashing light and a loud noise to alert those inside or outside the building. The captain inspected the fire alarm control panel - the controlling component which makes sure all systems are

The Contra Costa County Fire Protection District made several changes to its fire prevention bureau in order to catch up on past due fire inspections and Fire Chief Jeff Carman has assured Lafayette residents that all mandated residential occupancy inspections will have been completed by the end of the year.

Schools and residential occupancies with three or more dwelling units are subject to mandatory annual fire inspections. The district fell behind with its inspections after the recession due to budget cutbacks and the inability to hire qualified personnel and, according to Carman, ConFire had to prioritize the inspections, doing those that could cause the largest loss of life and property first, such as residential care homes.

With improved finances and a sharper focus on the lagged inspections, ConFire hired four new fire inspectors in the summer and reassigned two inspectors from the engineering department to help out with the backlog; it also stopped assisting the East Contra Costa Fire Protection District with fire inspections in order to concentrate on its own workload. ConFire then hired several temporary clerks to input the data for the field inspectors, which allowed the inspectors to spend more time in the field. The district also added a temporary fire inspector.

The larger staff allowed ConFire to complete its inspections of the 11 Lafayette education facilities in June and to tackle the inspections of the city's 159 commercial residential structures.

A random review of Lafayette inspection reports, from a fourplex on Bickerstaff Street to the iconic Lafayette Park Hotel, showed that the most common violations included failure to service fire extinguishers, inspect sprinkler systems and test fire alarms. Occasionally, a structure received a "No violations" report, as did the building on Bickerstaff. The hotel was cited for repairs needed on its fire doors, which must not only close but latch shut to stop smoke and fire from spreading into corridors and stairs. "We installed new hallway carpet with a higher pile so the doors were not completely closing on their own," said Nick Bozych, Lafayette Park Hotel general manager. "The doors were shaved and the doors close

being monitored. He checked for lighting on exit signs, and pointed out numerous other items that a layperson would probably never think twice about.

"Our job is to educate the property owners and managers. They aren't trained in any of this," Aubert said.

In October, ConFire saw the departure of its fire marshal, who had assured management that all mandated residential fire inspections were on track for completion by Dec. 31. Not wanting to lose momentum, Carman immediately appointed Deputy Chief Lewis Broschard as the interim fire marshal, a job Broschard previously held for the district.

"We are both working on the basis that the inspections will be done by that date," Carman said.

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**East Bay Times**

# Discovery Bay license plate readers await state approval for installation

By [Judith Prieve](#) | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) | Bay Area News Group

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DISCOVERY BAY — A plan to install 24 license plate readers in and around Discovery Bay to help law enforcement solve crimes is on hold awaiting state approval.

The project was first presented more than a year ago to the Discovery Bay P-6 Zone Citizens Advisory Committee, which suggests ways to spend funds earmarked for local law enforcement. In January, the committee approved spending up to \$350,000 from reserve funds for the cameras, which cost about \$14,000 each plus \$825 in annual fees for maintenance, licensing and software.

Cameras that scan license plates are to be installed at key locations and operate 24 hours a day in the far eastern Contra Costa County town of nearly 15,000. They photograph license plates and compare the information with local records and a state database of stolen vehicles. When a match is found, dispatchers are alerted to the vehicle's location.

“The (P-6 Zone) board's intent was to create a virtual boundary around Discovery Bay for the purpose of assisting law enforcement solve crimes where vehicles were used for transport to or from the area,” said Captain Steve Borbely of the Contra Costa Sheriff's Office Special Operations Division.

But 14 of the 24 license plate readers to be located on the state Highway 4 corridor have yet to be approved, said sheriff's spokesman Jimmy Lee.

The cameras, which were supposed to be in place this fall, cannot be installed until everything is approved, officials said.

“If permission is not given for the state-run locations, which are ideal for best coverage, other locations will need to be looked into,” Lee said, noting the state has not given a time frame for its decision.

Borbely said the readers not only will help the Sheriff's Office identify vehicles used in crimes in Discovery Bay but also will notify officers when a vehicle connected to any crime has entered the area — if the license plate is already in the database.

“The cameras can also assist law enforcement with missing persons, kidnapping, runaways or other persons-at-risk cases,” he said.

All data obtained from the license plate readers will be kept for one year and then purged unless needed as evidence for an investigation, Borbely said, noting that the data is only accessed in conjunction with an active criminal investigation.

Borbely, formerly manager of the Contra Costa County Sheriff's Delta Station in Oakley, has been working on identifying locations and getting permits for the license plate readers, which are similar to those installed in Brentwood, Pinole, Martinez, Danville, Alamo, Antioch and Pittsburg, among others. Lt. Matt Foley, who replaced Borbely in Oakley, is now assisting with the project.

Although all the locations have yet to be approved, Borbely said cameras will be installed in spots "that will be of the most use, along the Highway 4 and Bixler corridors and entrances to the community."

Leslie Belcher, chairwoman of P-6 Zone Citizens Advisory Committee, said the town has been asking for some sort of surveillance mechanism for a while. Videotape was explored, but did not prove viable, she said.

"The community is very happy that this (the reader program) is coming," she said. "The myth is all of our crime comes from Stockton, but some are in our community as well; this happens in every community."

Although Borbely said Discovery Bay has not seen an uptick in crime, there has been a series of unrelated, random crimes. In 2017, a Discovery Bay resident was shot and killed for confronting reckless drivers. That same year, two separate murders were also committed close to Discovery Bay.

"Though there does not appear to be any link to Discovery Bay regarding the murders, they nevertheless had an impact on the community," Borbely said.

Belcher said Discovery Bay has experienced petty theft, property crimes and vandalism as well as a rash of mail thefts in the last year, but otherwise the statistics have been pretty stable.

The town's location at the far edge of the county has resulted in some crimes of opportunity and town leaders are hoping the license plate readers will help.

"We are an island, so to speak, at end of county, the last stop going out to another county," she said. "With crimes of opportunity, it's the last stop, and they are gone."

Although state approvals are taking longer than anticipated, Belcher said she is still hopeful that the plan will proceed this fall.

"There definitely has been progress made — the goal was for the project to be completed in the fall," she said. "We thought the project would be up and running by now. Hopefully, we'll get some movement soon."

**Los Angeles Times**

# **In a first, California abolishes Compton's water district board after years of dirty-water allegations**

By [Angel Jennings](#)

Oct 31, 2018 | 8:00 PM

State officials on Wednesday removed the elected board and general manager of a water district that for years has been accused of serving brown, smelly water to its customers in Compton.

With a 22-page decree, the State Water Resources Control Board abolished Sativa Los Angeles County Water District's five-member board of directors and ousted its manager. In their place, the state appointed the county's Department of Public Works to temporarily run the district while officials seek to merge the small district, which delivers water to about 1,600 homes, with a larger provider.

The move marks the first time that the state has used its power to order the takeover of a water agency.

"For far too long, our residents have had to endure the unacceptable — they had no idea what would flow when they turned on their tap," L.A. County Supervisor Mark Ridley-Thomas said. "Enough is enough. Los Angeles County is ready to step in and step up ... and immediately begin to triage the situation."

County officials will move into Sativa headquarters Thursday, said Paul Novak, executive officer of the county's Local Agency Formation Commission, which monitors Sativa.

Calls to Sativa were not immediately returned.

Novak said the takeover will not immediately fix the problems that have plagued the water district, including manganese-coated pipes that discolor residents' water. Officials estimated that \$10 million to \$15 million is needed to upgrade the 70-year-old pipes.

But it will get rid of the administration of a long-criticized agency accused of financial instability, nepotism, poor maintenance and mismanagement.

"These are the changes I think they will see: They will see staff that's more accessible, that is more transparent, that is communicating with the ratepayers on a regular basis," Novak said. "Instead of encountering a board and staff that are hostile to the ratepayers, they will have people they can come in and communicate with."

Department of Public Works Director Mark Pestrella said the county will meet staff Thursday to take control of Sativa's facilities and assets, then come up with a plan to deliver clean, safe water to residents.

In September, [Gov. Jerry Brown signed AB 1577](#), a bill introduced by Assemblyman Mike Gipson (D-Carson), that would allow for the dismantling of the Sativa board.

Two years ago, the state water board was granted the authority to install an administrator at a failing water system. However, the role has to be paid for by the state, and the law did not provide funding.

The governor signed legislation Sept. 17 that appropriates \$200,000 for a state-appointed administrator to helm Sativa. The L.A. County Board of Supervisors and the Local Agency Formation Commission had asked the state to appoint the county's Department of Public Works as the interim administrator.

The takeover ends a long-fought battle over Sativa's operations. Over decades, [district officials have been accused](#) of giving themselves illegal Christmas bonuses, hiring family members and lacking the funding to replace aging pipes, which deposit a high concentration of manganese into the water.

Outrage reached a boiling point when discolored water began flowing from taps with greater frequency this year. Customers posted videos online of tea-colored water coming from their faucets.

That prompted the Local Agency Formation Commission to vote in July to dissolve Sativa — a lengthy and rare process separate from state-directed takeover. The commission has scheduled a February hearing to continue the dissolution so that Sativa will no longer exist.

The state's decision to have L.A. County take control of Sativa boiled down to the district's inability to provide clean, safe drinking water to its ratepayers, authorities said. The decree listed numerous violations for failing to meet water quality standards and inadequate water monitoring, as well as infrastructure problems.

"I'm excited to be serving this community and to be taking on the challenge of bringing them sustainable, clean water supply, which all residents deserve," Pestrella said.

**8:00 p.m.:** This article was updated with additional context about the district.

*This article was originally published at 5:15 p.m.*

## East Bay Times

# Toxic cleanup at Concord Naval Weapons Station doesn't ease concerns



A view of ammunition bunkers is seen during a community and city employee tour of the Concord Naval Weapons Station in Concord, Calif., on Wednesday, May 23, 2018. The city and the chosen reuse developer, Lennar Concord LLC, have agreed to extend by a year the initial studies for development of the 2,300-acre area. (Jane Tyska/Bay Area News Group)

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CONCORD — Officials overseeing the cleanup of the Concord Naval Weapons Station tried to reassure City Council members this week that the arduous task of removing toxic materials left behind by the Navy is on the right track.

But after a year in which it [became public that some soil tests at the Hunters Point Naval Shipyard site in San Francisco had been falsified and much of the dirt was trucked to the Keller Canyon Landfill in Pittsburg](#), worries about potential environmental danger to residents of planned housing there still linger.

Vice Mayor Carlyn Obringer said at the meeting that although the presentation at Tuesday night's special meeting by officials from the Navy, U.S. Environmental Protection Agency, the regional water board and the state Department of Toxic Substances Control was "informative," she continues to have reservations about the cleanup process.

For example, even though Navy representatives said their contracts with Tetra Tech EC Inc. are soon coming to an end, the Navy still plans to work with that company's subsidiaries in the future. Tetra

Tetra Tech's employees have admitted to switching clean dirt for contaminated soil for testing at the Hunters Point Superfund site.

"Tetra Tech still makes me nervous," Obringer said. "I would encourage you to look for a substitute."

Councilmember Laura Hoffmeister agreed, noting that "credibility was lost with them."

In a presentation to the council, Marc Smits, an environmental coordinator for the naval weapons station's closure, explained that the Navy's cleanup and property transfer process includes a "preliminary assessment" to determine through documents, maps and aerial photographs what the site was used for and what may need to be cleaned up. The station had fewer radiological operations than Hunters Point, Smits said, noting they were limited to "munitions-related assessment" and handling of equipment with radioluminescent dials and gauges.

Tetra Tech's work at the Concord site involved preparing the Historical Radiological Assessment, a document that identified 48 buildings and bunkers in need of further radiological investigation. The company did not conduct any fieldwork, such as soil sampling, according to the Navy. Tetra Tech also had two contracts to investigate munitions-related cleanup sites at the Concord station. According to the Navy, an independent contractor was hired to oversee that work.

Concerns have also surfaced about the thousands of tons of [potentially radioactive soil trucked from Hunters Point to the Keller Canyon Landfill in Pittsburg](#). The Keller Canyon Landfill is not licensed to receive radiological waste. After a months-long search and review, the county's health department this week has hired a contractor, TRC Solutions, to investigate the data that Navy consultants provided to landfill operator Republic Services certifying the soil as "nonhazardous," as well as to survey the soil itself for toxic material.

Smits said about 70 percent of the Concord base is ready for transfer to the city. The Navy and regulatory agencies such as the EPA have to verify the base is safe for reuse before it can be transferred to the city and to the East Bay Regional Park District. The transfer is to happen in phases and is expected to be complete in 2026. The city envisions redeveloping the Concord Naval Weapons Station into 13,000 housing units and millions of square feet of office, retail and campus space.

While the Navy and agency representatives at the meeting said the plan is to make the land as safe as possible, the cost of cleanup is sometimes prohibitive, so in some cases the Navy would place restrictions on land use instead of cleaning it up to the level required for homes. That concerned some council members and residents, who questioned why not all areas will be cleaned up to the highest standard.

At the end of the meeting, council members urged the Navy to provide a written document outlining new protocols adopted after the Hunters Point-Tetra Tech incident, such as hiring an independent contractor to oversee the work, and to describe the differences between Hunters Point and the Concord Naval Weapons Station cleanups. The Navy representatives did not publicly confirm whether they will provide that type of document to the city. Mayor Edi Birsan said he'd like the soil retested every several years to make sure dangerous material is not present.

"I hold collectively you all partly responsible (for what happened with Hunters Point)," he told the officials. "We have a damaged Navy and federal government oversight .... We can't change what happened."

"This is something that scares a lot of people," Councilmember Tim McGallian summed up.

## San Francisco Chronicle

# SF Mayor Breed vetoes supervisors' resolution that supported state river plan

[Kurtis Alexander](#) Nov. 2, 2018 Updated: **Nov. 2, 2018** 7:51 p.m.

San Francisco Mayor London Breed broke her silence on California's latest water war Friday, saying she wouldn't support a state river restoration plan that would mean giving up some of the city's pristine Hetch Hetchy water.

In addition to her unexpected announcement, Breed vetoed a [resolution passed unanimously by the Board of Supervisors](#) earlier this week that offered the city's blessing for the little-known, but far-reaching state initiative.

The city's now-conflicting positions on the matter, which are unlikely to be resolved before the State Water Board takes up its plan to protect degraded rivers and threatened salmon, underscores the emerging divide at City Hall over how much environmental concerns should interfere with Bay Area water supplies.

The [Bay-Delta Plan](#) calls for limiting the draws of cities and farms from California's waterways to prevent what the state sees as an impending collapse of the Sacramento-San Joaquin River Delta. The estuary is the hub of the state's river flows and an ecological hot spot. The State Water Resources Control Board is scheduled to vote on the plan Wednesday.

"We all want the same outcome for the Bay-Delta — a healthy ecosystem that both supports fish and wildlife and provides reliable water delivery," Breed said in a statement. But "it is deeply irresponsible for San Francisco to take a position that would jeopardize our water supply."

Supervisor Aaron Peskin authored [the now-vetoed resolution](#) in support of the Bay-Delta Plan amid worries by environmental groups that the city's Water Department was impeding efforts to revive California's river system.

The San Francisco Public Utilities Commission has aligned with Central Valley farm groups and their allies in the Trump administration to create a powerful bloc in opposition to the plan.

While state leaders, environmentalists and fishing groups contend that cities and farms need to make sacrifices to save California's rivers, opponents of the restoration effort say the proposal by the State Water Resources Control Board goes too far.

The SFPUC, which relies on the Tuolumne River high in the mountains of Yosemite National Park for most of its water, claims that the Bay-Delta Plan would necessitate water rationing of up

to 40 percent during dry spells. Officials also expect higher rates for customers as the agency invests money into developing new water sources, like desalination.

The impacts would go beyond the city to the more than two dozen Bay Area communities that buy their water from San Francisco, officials say.

On Thursday, SFPUC General Manager Harlan Kelly wrote a letter to the Board of Supervisors, calling the board's resolution "counterproductive" to efforts by his agency to protect city water in closed-door talks with the state.

Breed agreed with Kelly, saying the Public Utilities Commission should not be handicapped by environmental concerns.

"We must keep every alternative available, including legal options to protect the city's interests in the event that the negotiations fail," she said in her statement.

Several supervisors said Friday that they were reconsidering their position on this week's resolution after hearing from the Public Utilities Commission.

Peskin, however, remained convinced that supporting the state's restoration effort was the right thing to do.

"Frankly, vetoing this resolution just makes San Francisco look like its house is not in order and, quite frankly, makes the city look a little goofy," he said. "Besides, I think we've already sent our message to the State Water Board."

San Francisco's position on the Bay-Delta Plan has been watched closely by those on all sides of the debate, but it's likely to play a limited role in the state's final decision.

While State Water Board officials have said they would like to have city support for their plan and they continue to work behind the scenes to get it, they also have said they intend to take action next week.

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## **Could restrictions scare off potential developers of Richmond's Point Molate?**



The main building and former Naval officer's homes, foreground, are seen from this drone view at Winehaven in Richmond, Calif., on Monday, Aug. 14, 2018. Winehaven was the world's largest winery from 1906-1919, and then became a fuel depot for the U.S. Navy. The city is in the process of selling the Point Molate property to developers. (Jane Tyska/Bay Area News Group)

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**RICHMOND** — With the clock ticking for Richmond to sell the 270-acre Point Molate waterfront property so it can be developed into a community of at least 670 housing units, some City Council members fear restrictions tied to the project could scare off developers.

Six developers are currently bidding for the project and will pitch their plans to the council in December. The council in turn has a deadline of April 2020 to approve a plan to build on 30 percent of the site and leave 70 percent as open space. That's according to the terms of a lawsuit settlement the city reached with the Guidiville Rancheria of California Indian Tribe and Upstream Point Molate LLC. Guidiville and Upstream, sued the city after the council denied their plan to build a casino there.

If the city misses its deadline to approve a development plan, it must sell the land back to Guidiville and Upstream — virtually for pennies.

The council last month approved guidelines for ranking developers' proposals and, following a heated discussion, decided to limit the area where housing can go to the historic Winehaven District and some surrounding parts. It also decided developers must aim to make two-thirds of the units affordable and cover all associated infrastructure costs.

Council members Jael Myrick, Ben Choi, Ada Recinos and Eduardo Martinez voted for the requirements and Mayor Tom Butt and council member Jovanka Beckles dissented while council member Melvin Willis abstained.

Butt called the requirements "about the dumbest thing (he's) ever seen a city council do in the city of Richmond."

"You all are incredibly irresponsible," Butt said. "We settle one lawsuit, got another one, and now you've essentially drawn a plan that is not economically feasible. We're going to get Upstream and the tribe back on our case, they're going to sue us. I mean, this thing is never going to end."

Martinez disagreed.

"In the design classes that I've taken, I've found that the more restrictions, the more creative the solutions," Martinez said. "If we have the kind of developers that we want to attract to Richmond, we should give them the restriction that we, as a city, expect, and see what kind of creativity they have."

Butt said those who voted for the requirements did so mainly to please a small group of people who have been fighting against development at Point Molate and have accused the city of entering into the settlement agreement improperly behind closed doors.

Choi said that although people may disagree with the lawsuit settlement, the city would have had to spend a lot of money if it didn't accept it. Not to follow the terms now would be disastrous, Choi added.

"At a minimum it's tens of millions of dollars that the city doesn't have if we completely abrogate the settlement, and if we're putting on the table a deal that is not feasible we might as well just abrogate the settlement," Choi said.

In addition to approving the set of guidelines for ranking the development proposals, the council also voted to include a "community plan" compiled by the Point Molate Alliance — a group of people opposed to a housing development at Point Molate — that calls for most of the property to be used as an open space park and for housing to be built closer to downtown.