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August 12, 2010

Commission stands firm on Alhambra Valley annexation

By

Staff Reporter
August 12, 2010

September 15, 2010
Agenda Item 12c



[1]

As one attendee put it, “what part of no didn’t they understand?”

“They” refers to City Planning staff. The comment was made after, despite the Planning Commission’s firm and explicit rejection of a proposed annexation of Alhambra Valley at its June 29 meeting, staff rephrased the question this week.

On Tuesday night, Commissioners Harriett Burt, Donna Allen and Paul Kelly once again elected to repudiate the proposal without reservation. Rachel Ford voted nay due to misgivings over “throwing the baby out with the bath water,” and Jeffrey Keller recused himself from the vote due to absence from previous meetings discussing the topic.

Insisting that “even though the Planning Commission directed staff to return with a draft resolution recommending to the City Council the denial of the proposed land use regulations proposed for the Alhambra Valley annexation area and recommending that the City Council not submit an application to LAFCO, staff believes that based on two things, consideration of an alternative resolution is appropriate. These include Commission deliberations of the item at the last meeting and a conversation with one of the Commissioners directly after the meeting regarding the item.”

Chair Allen asserted staff’s interpretation did not “reflect what happened at the meeting,” adding that “it’s inconceivable to me that you can conclude that’s what occurred at that meeting.”

In the end, the Commissioners restated their disapproval of both Planning staff’s recommendation to change land use designations, purportedly in an attempt to “create new zoning districts consistent with current Contra Costa County zoning designations and to pre-zone property within the proposed annexation area to these districts,” according to Planning Manager Terry Blount.

All of the action items up for review would have required amendments to the Martinez General Plan, of which the City recently launched a complete update. If the City Council chooses to ignore the Commission’s annexation denial and proceeds with the zoning amendments, those changes would be locked in for two years. To Allen and her colleagues, this plan of action makes no sense.

“There’s no way that I’m going to feel comfortable recommending to the Council that they amend the General Plan map to include anything,” said Allen.

“I did wonder if it was little bit of lipstick on pig ... if this would somehow negate the strength of the things we had said,” said Burt, alluding to staff’s alternative option and adding that a chief concern for her, like Allen, was making changes to the General Plan. “But the strongest [concern] is the fact that the annexation presented to us was not based on any logic but the impeding of a protest filing ... if we do piecemeal on this kind of a basis, there will problems for other people [in the future].”

Explaining why she voted ‘nay’ on the matter, Commissioner Ford clarified “For me ... most of the [public opposition] letters were asking us to take in account the current land use regulations ... it’s important to at the very minimum, [we] make a recommendation about – in the event this goes forward – that you do want your current uses to pretty much stay intact,” said Ford, speaking to the audience. “I just want to be clear about why I would not agree with going with an all-out no. I agree with a no on the annexation completely ... but to just leave the land use regulation out ... we’re leaving open a door that if they decide to do something different than what you want, it’s going to be that the Planning Commission said no completely.”

During the public comment period, residents urged the Commission to “stick to your guns,” and blasted the staff’s “misdirection, confusion and jargon.”

Afterward the vote, Alhambra Valley Improvement Association’s Hal Olsen commended the decision.

“I thought the Planning Commission showed a lot of courage and common sense.”

As it was mentioned several times during Tuesday's meeting, the Commission's vote is solely advisory, and the annexation and land use zoning changes will appear on an upcoming City Council agenda.

[News](#) [Alhambra Valley](#) [Annexation](#) [Planning Commission](#)

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A Heads-up On The Four Bills As They May Affect You Or Your LAFCo

August 20, 2010

Written by Bill Chiat

August 19, 2010

Editor's Note: *The following letter was written by Bill Chiat, Executive Director of the California Association of Local Agency Formation Commissions. The letter was sent to CALAFCO members and was published with the permission of Chiat, who does not claim to be an expert in compensation or pensions. As editor, I believe it's an informative analysis.*

Dear LAFCo Staff and CALAFCO Board Members:

As you no doubt know, the City of Bell salary scandal is having wide implications for local agencies. Most cities and counties (and probably some LAFCos) have been deluged with public information requests for specific compensation and pension details for elected officials and senior staff.

The Attorney General, Treasurer and Controller have all launched investigations not only in Bell, but more broadly at local agency compensation. Already it have become an issue in the gubernatorial race and in many local races. And of course not to be outdone, the Legislature is considering four bills that deal with the salaries and pensions of local agencies. And I feel rather certain this is not the end.

I wanted to give you a heads-up on the four bills as they may affect you or your LAFCo. They have been added to the CALAFCO Legislative Report. There are two compensation bills and two pension bills. While neither of the compensation bills currently affect LAFCo, they may as they wind through the legislative process. The pension bills will affect any LAFCo employee in PERS or 1937 Act retirement plans. At its meeting last Friday, the CALAFCO Board of Directors did not take a position on any of these bills but urged us to alert you to them.

SB 501 (Correa) is a 'gut and amend' of a debt limit allocation bill. It requires the **annual disclosure of all compensation** by each elected official, employee, contractor and anyone else required to file a Statement of Economic Interest (Form 700). In its current 13 August 2010 version, the bill only applies to cities, counties, special districts, school districts and JPAs. However - much like our experience with the ethics law (AB1234) - many LAFCos may choose to abide by its requirements should it become law. The bill requires the disclosures be posted on the agency web site and available for public inspection and reproduction during business hours. It covers all compensation including salaries, stipends, expense reimbursements, employer-paid benefits and any other monetary or nonmonetary perquisites provided. The bill previously had passed the Senate and was on its Third Reading in the Assembly. After it was amended on the floor on August 12 and 13 it was referred to the Assembly Local Government Committee which is expected to hear it on 16 August.

AB 1955 (De La Torre) is a 'gut and amend' of a incompatible office bill. It establishes "**excess compensation cities**" where the total compensation for city council members exceeds the amounts specified in State Law, regardless of whether they are a general law of charter city. It adds significant authority to the Attorney General to investigate and take action against such cities. It also imposes significant sanctions on the city including reduction or withholding of sales tax revenues and redevelopment funds, prohibits the city redevelopment agency from adopting new plans or issuing bonds, imposes a 50% personal income tax on the council members on that portion of their income, and a few other restrictions. It passed Senate Local Government last Thursday, although there were concerns expressed about the new authority given to the AG. It is scheduled to be heard in Senate Appropriations next week before going back to the Assembly for concurrence. Peter Detwiler's [staff analysis](#) is an interesting read.

SB 1425 (Simitian) establishes limits to what can be considered in determining final pay for any state or local member of the Public Employees' Retirement System (**PERS**) and requires the final year pay and the proceeding two years be considered in determining final compensation. It also prohibits employees from retiring and then working for the agency under contract for a certain period of time. It passed Assembly Appropriations last Thursday on a 12-0 vote. It is currently in the suspense file awaiting action.

AB 1987 (Ma) establishes similar limits and restrictions as SB 1425 on all members of a County Employees Retirement Law of 1937 (**1937 Act County**) as SB 1425. It also passed Senate Appropriations, 11-0, on Thursday and is in the suspense file.

While there may be opposition from local agencies on these bills, I'm not expecting there to be much sympathy in the legislature. We'll keep an eye on these and let you know what happens.

Bill Chiat

The Mercury News

MercuryNews.com

August 20, 2010

Alhambra Valley annexation plan suffers setback

By Lisa P. White
Contra Costa Times

Posted: 08/20/2010 10:03:01 PM PDT

Updated: 08/22/2010 04:53:07 PM PDT

MARTINEZ -- The plan to annex part of the Alhambra Valley suffered a symbolic defeat recently when the Martinez Planning Commission twice rejected land-use changes linked to the proposal.

Since the commission's vote is only advisory, the City Council can amend the general plan and the zoning ordinance without its blessing. Still, critics hailed the vote as a victory, and the commission's stance could make annexation an issue in the upcoming council election.

"Certainly we feel somewhat vindicated and we're amazed at the courage of the planning commissioners to take the stand they did," said Hal Olson, president of the Alhambra Valley Improvement Association, which opposes annexation.

When the Stonehurst and Alhambra Valley Ranch subdivisions off Alhambra Valley Road were built in the 1980s, the deeds included a stipulation that the houses would one day become part of Martinez. The area finally became eligible for annexation three years ago, when voters approved moving the urban limit line. Since Martinez provides water service to the luxury homes in these two gated communities,

the Contra Costa County Local Area Formation Commission is encouraging the city to annex the subdivisions.

But some residents balked, saying annexation threatens the valley's rural character. They worry about road maintenance, police service and higher property taxes if the area becomes a part of Martinez.

"There is absolutely nothing in favor of going

into annexation for those of us who live there, and a lot to lose," Olson said.

Opponents had feared that the city may toss out the Alhambra Valley Specific Plan, which regulates development in the area and restricts new construction to 231 homes. The proposal the planning commissioners rejected would have incorporated the county's land use and development designations into the city's general plan and zoning ordinance.

Annexation is hardly a slam dunk. If 25 percent of homeowners or registered voters in the proposed annexation area file a written protest with LAFCO, the city must hold an election. A simple majority vote would kill the proposal, according to Lou Ann Teixeira, LAFCO's executive officer.

Olson and others accused the city of drawing the boundaries of the annexation area to exclude homeowners who could file a protest with LAFCO -- a charge the city readily admits.

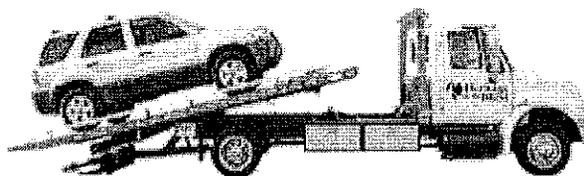
"The district was drawn the way it was drawn purposely to minimize, or eliminate if possible, the ability for it to go to a vote," said senior planner Terry Blount.

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The Mercury News

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That bothered some of the planning commissioners. Harriett Burt said she favors annexation of the Alhambra Valley, but not the way the city was trying to do it.

"This was a contrived annexation plan, and the sole logic for the selection of the very odd shape of the proposed area "... was that 75 percent plus one of the property owners signed a waiver when they bought their properties that if the city annexed the area they would not protest. To me, that is wrong," said Burt, who believes the city should annex the entire valley at once to guarantee consistency in the land-use regulations.

Rob Schroder, who faces three challengers in his bid for a third term as mayor of Martinez, said he was surprised the commissioners voted unanimously to reject the changes. He thinks annexation could come up in the election, especially in the council race, in which five people are vying for two seats. Critics have accused current council members of being pro-development and ignoring residents' concerns.

"I get the feeling that there's a faction in this election that believes the council is a rogue council and the planning commission is breaking off and doing its own thing," said Schroder, who supports annexation.

He said he does take the Planning Commission's recommendations seriously.

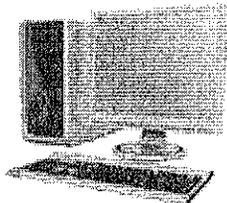
"Whether I will agree with their findings, that's another issue," he said. "A lot of times the city agrees with the actions of the Planning Commission, but not always."

Lisa P. White covers Martinez and Pleasant Hill. Contact her at 925-943-8011. Follow her at Twitter. [com/lisa_p_white](https://twitter.com/lisa_p_white).

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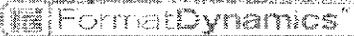
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Longtime Discovery Bay leader stepping down

By Hannah Dreier
Contra Costa Times

Posted: 08/20/2010 08:41:47 PM PDT

DISCOVERY BAY -- David Piepho will be leaving the town's governing board in December after 12 years to pursue other political ambitions.

Piepho, 49, has served on the town's Community Services District board of directors since its inception in 1998, and is the only original member still serving. He will retire from the Alameda County Fire Department next year, and said he is re-evaluating how he spends his time.

"When we started, there was a community here but there was no town," he said. "We literally put Discovery Bay on the map."

As he approaches retirement after 28 years as a firefighter, Piepho said he wants to move on to bigger or different things, and has not ruled out running for a county, statewide or even congressional seat. He is also stepping down for the sake of the board, he said.

"We gotta have some fresh blood in there," he said, "some new ideas."

Piepho settled in Discovery Bay in the early 1990s and lives here with his wife, Contra Costa County Supervisor Mary Piepho, and their 12-year-old daughter.

Among his accomplishments, Piepho counts helping classify Discovery Bay as a town, securing a unique ZIP code for the area, and raising funds for a yet-to-be-built community center. He also has shaped the town in smaller ways, installing duck-crossing signs and working for road safety.

After he broke both legs in a head-on collision on Highway 4 in 2001, Piepho worked from his hospital bed on

establishing a safety corridor on the stretch of highway that runs from Discovery Bay to Brentwood. It is now a double-fine zone.

"I've never seen him shrug anything off that had anything to do with the town," fellow director Mark Simon said. "He's given 12 solid years trying to move the town forward."

Piepho also regularly attends meetings outside Discovery Bay and brings back new ideas to the board, former general manager Virgil Koehne said.

The political influence of Piepho and his wife have sometimes rubbed people here the wrong way. When two vacancies arose on the board this past winter, Piepho differed with other directors about filling one of the seats. He wanted to appoint Brian Dawson, but Simon and director Ray Tetreault preferred to reopen the nomination process when another candidate dropped out.

The stalemate left the decision with Mary Piepho and the other county supervisors, who appointed Dawson.

In recent years, David Piepho sometimes has rankled residents and officials here with his outspokenness.

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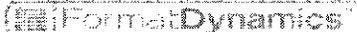
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"David is not afraid to jump in the middle of any issue," Koehne said. "At the end of the day, the community of Discovery Bay was the beneficiary."

Recently, the board has been dogged by a handful of detractors who flood town offices with public information requests. They assert that Piepho is particularly secretive about town business.

While these critics say they hope to have a more cordial relationship with the new board, directors are skeptical.

"They weren't happy with David, and they're not happy with me, either," Simon said. "As long as they have something to complain about, they're going to complain."

Piepho has also served for seven years on the Contra Costa Local Agency Formation Commission, which determines city boundaries and spheres of influence, and has sat on the board of the Sutter Delta Memorial Hospital Foundation for six years.

Incumbents Dawson and Kevin Graves will compete for three open board seats in the November election, along with residents Walter MacVittie, Jonathan Silver and Chris Steele.

Looking back on his work in Discovery Bay, Piepho said he feels a great sense of accomplishment.

"It was a fresh palate; you could do anything you wanted," he said. "We did things before people realized that we could even do them."

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