



Lou Ann Texeira
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
40 Muir Road, 1st Floor • Martinez, CA 94553
e-mail: LouAnn.Teixeira@lafco.cccounty.us
(925) 313-7133

NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, February 12, 2020, 1:30 PM

PLACE: Board of Supervisors Chambers
651 Pine Street, Martinez, CA 94553

NOTICE IS HEREBY GIVEN that the Commission will hear and consider oral or written testimony presented by any affected agency or any interested person who wishes to appear. Proponents and opponents, or their representatives, are expected to attend the hearings. From time to time, the Chair may announce time limits and direct the focus of public comment for any given proposal.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by LAFCO to a majority of the members of the Commission less than 72 hours prior to that meeting will be available for public inspection in the office at 40 Muir Road, First Floor, Martinez, CA, during normal business hours as well as at the LAFCO meeting.

All matters listed under CONSENT ITEMS are considered by the Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

For agenda items not requiring a formal public hearing, the Chair will ask for public comments. For formal public hearings the Chair will announce the opening and closing of the public hearing.

If you wish to speak, please complete a speaker's card and approach the podium; speak clearly into the microphone, start by stating your name and address for the record.

Campaign Contribution Disclosure

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

Notice of Intent to Waive Protest Proceedings

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

American Disabilities Act Compliance

LAFCO will provide reasonable accommodations for persons with disabilities planning to attend meetings who contact the LAFCO office at least 24 hours before the meeting, at 925-313-7133. An assistive listening device is available upon advance request.

As a courtesy, please silence your cell phones during the meeting.

FEBRUARY 12, 2020 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Approval of Minutes for the January 8, 2020 regular LAFCO meeting
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Gov. Code section 54956.9(d)(1)]

Name of case: *Los Medanos Community Healthcare District v. Contra Costa Local Agency Formation Commission*, Contra Costa Superior Court Case No. C19-00048

OUT OF AGENCY SERVICE REQUESTS

6. ***LAFCO 20-01 – City of Martinez – 1367 Plaza Drive*** – consider a request by the City of Martinez to extend municipal water service outside its jurisdictional boundary to one parcel (APN 375-241-002) located at 1367 Plaza Drive in unincorporated Martinez; and consider related actions per the California Environmental Quality Act (CEQA)
7. ***Executive Officer’s Performance Review and Compensation*** - consider approving a salary increase for the Executive Officer in conjunction with her recent performance review

CORRESPONDENCE

8. Correspondence from Contra Costa County Employees’ Retirement Association (CCCERA)

INFORMATIONAL ITEMS

9. Commissioner Comments and Announcements
10. Staff Announcements
 - CALAFCO Updates
 - Pending Projects
 - Newspaper Articles

ADJOURNMENT

Next regular LAFCO meeting March 11, 2020 at 1:30 pm.

LAFCO STAFF REPORTS AVAILABLE AT http://www.contracostalafco.org/meeting_archive.htm

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
DRAFT MEETING MINUTES
January 8, 2019

February 12, 2020
Agenda Item 4

1. Welcome, Call to Order and Roll Call

Chair Butt called the regular meeting of January 8, 2020 to order at 1:30 PM.
The following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Tom Butt, Chair	Diane Burgis (<i>seated for Glover</i>)	Lou Ann Texeira, Executive Officer
Candace Andersen, Vice Chair	Stan Caldwell	Mary Ann Mason, Commission Counsel
Don Blubaugh	Chuck Lewis	Danielle Kelly, Interim LAFCO Clerk
Federal Glover (<i>arrived 1:38 pm</i>)	Sean Wright (<i>arrived 1:39 pm</i>)	
Mike McGill		
Rob Schroder		
Igor Skaredoff		

2. Pledge of Allegiance

Chair Butt led the Pledge of Allegiance.

3. Adoption of Agenda

Chair Butt asked if there were any requests to modify the agenda; there were no requests.
Upon motion by Commissioner Blubaugh and second by Commissioner Skaredoff, the Commission unanimously, by a 7-0 vote, adopted the agenda as submitted:

VOTE:

AYES: Andersen, Blubaugh, Burgis (*seated for Glover*), Butt, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

4. Selection of 2020 Chair and Vice Chair and Recognition of Outgoing Chair

Upon a motion by Commissioner Blubaugh and second by Commissioner McGill, Commissioner Andersen was unanimously named as LAFCO Chair for 2020.

VOTE:

AYES: Andersen, Burgis (*seated for Glover*), Blubaugh, Butt, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Upon a motion by Commissioner Blubaugh and second by Commissioner McGill, Commissioner Skaredoff was unanimously named as LAFCO Vice Chair for 2020.

VOTE:

AYES: Andersen, Burgis (*seated for Glover*), Blubaugh, Butt, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

DRAFT

5. **Approval of Minutes**

Upon motion by Commissioner Skaredoff and second by Commissioner Blubaugh, the December 11, 2019 meeting minutes were unanimously approved.

VOTE:

AYES: Andersen, Butt, Blubaugh, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

6. **Public Comments**

Chair Butt invited members of the audience to provide public comment. There were two speakers.

Donna Morrow introduced herself as the Ironhouse Sanitary District LAFCO liaison and also as District Representative for Supervisor Diane Burgis.

Colin Clarke commented on Homeowners Associations (HOAs) and Covenants, Conditions & Restrictions (CC&Rs) as they relate to regional land use and housing policies and encouraged LAFCO involvement.

BUSINESS ITEMS

7. **FY 2020-21 Budget Schedule/Work Plan Preview** - the Commission received a preview of the FY 2020-21 work plan and provided input and direction.

Upon a motion by Commissioner McGill and second by Commissioner Blubaugh, the Commission unanimously approved an on-call list of pre-qualified MSR consultants.

VOTE:

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Upon a motion by Commissioner McGill and second by Commissioner Blubaugh, the Commission unanimously approved edits to the LAFCO Analyst job description.

VOTE:

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

8. **FY 2019-20 2nd Quarter Budget Report**

Upon a motion by Commissioner McGill and second by Commissioner Skaredoff, the Commission unanimously received the FY 2019-20 2nd quarter budget report.

VOTE:

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

9. **Census 2020**

Upon motion by Commissioner Blubaugh and second by Commissioner Glover, the Commission unanimously approved adoption of a resolution supporting the 2020 Census partnership.

VOTE:

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

CORRESPONDENCE

10. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)

INFORMATIONAL ITEMS

11. **Commissioner Comments and Announcements**

- Commissioner McGill announced that he will attend a CALAFCO U class on January 13th, a CALAFCO Legislative Committee meeting on January 17th, and a CALAFCO Executive meeting on January 21st.

12. **Staff Announcements**

- CALAFCO Staff Workshop (March 25-26)
- Pending Projects
- Newspaper Articles

CLOSED SESSION

At 2:05 p.m., Commissioners adjourned to Closed Session to discuss Executive Officer Texeira's performance review.

At 2:18 p.m., Commissioners reconvened and the Chair announced there was nothing to report.

The meeting adjourned at 2:20 pm.

Final Minutes Approved by the Commission February 12, 2020

VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

ADJOURNMENT

The next regular LAFCO meeting is February 12, 2020, at 1:30 pm.

By _____
Executive Officer

DRAFT

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

February 12, 2020 (Agenda)

February 12, 2020
Agenda Item 6

LAFCO 20-01 City of Martinez - Out of Agency Service Request – 1367 Plaza Drive

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to one parcel (APN 375-241-002) located at 1367 Plaza Drive in unincorporated Martinez (Attachment 1). The lot is currently vacant, and the landowner proposes to construct a single-family home.

The subject property is located within the City's sphere of influence (SOI) and Urban Limit Line. Surrounding land uses include high density single family residential to the south, east and west and Pacheco Blvd to the north. The City is currently providing water service to the neighborhoods surrounding the subject property. The subject property is also within the Mt. View Sanitary District (MVSD) service boundary.

DISCUSSION

Statutory Framework – Out of Agency Service (OAS) – The Government Code (GC) and local LAFCO policies regulate the extension of out of agency service. GC §56133 states that “A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundary only if it first requests and receives written approval from the Commission.” Further, the law authorizes LAFCO to allow a city or district to provide new or extended services under specific circumstances: a) outside the agency's jurisdictional boundary but within its SOI in anticipation of a future annexation; or b) outside its jurisdictional boundary and outside its SOI in response to an existing or impending threat to the public health or safety.

The Commission's current policies regarding OAS are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant OAS. Historically, OAS is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well); or in anticipation of a future annexation.

City's Prior and Future Commitment to Annexations – As noted in LAFCO's previous Municipal Service Reviews (MSRs), the City is providing water services beyond its corporate limits to over 1,500 water connections. Since 2012, the City has submitted 17 OAS applications to LAFCO, most of which have been in the Alhambra Valley, Mountain View and Pacheco areas. The LAFCO MSRs recommend that the City of Martinez annex areas receiving city services, as appropriate.

In response to LAFCO's concerns regarding the use of OAS, the Martinez City Council has taken various actions demonstrating its commitment to annexation of these areas a summarized below.

- In 2012, the City successfully annexed a portion of the Alhambra Valley, and attempted to annex North Pacheco; however, the annexation was rejected by the voters.
- The City Council adopted resolutions stating the City's intent to pursue annexation of the Alhambra Valley area by 2020, and annexation of the Pacheco Boulevard corridor including the Mt. View area by the year 2030.

- In June 2019, the City provided LAFCO with an update indicating that the City Council identified annexations as one of its top five goals over the next two years, and within the next year will explore an annexation study for the Mt. View/Pacheco Corridor and the Alhambra Valley areas.
- On October 23, 2019, the Martinez City Council hosted a community workshop to discuss annexation of the Alhambra Valley, Mountain View, North Pacheco and Vine Hill areas. The City Council agreed to move forward with an annexation study.

Further, the City requires property owners to sign and record a deferred annexation agreement when applying for OAS.

Consistency with LAFCO Policies – Contra Costa LAFCO's policies are consistent with GC §56133, in that OAS can be extended either in response to a threat to the health and safety of the public (e.g., failed septic system, contaminated or dry well, etc.), or in anticipation of annexation. The LAFCO policies contain the following provisions which are relevant to this proposal:

3) Objective – Out of agency service is generally not intended to support new development.

The OAS request is intended to serve development of a single-family residential unit.

4) Out of Agency Service Policies: General Statements

- a) *Annexation to cities and special districts involving territory located within the affected agency's SOI is generally preferred to out of agency service.*

The subject parcel is not contiguous to the City boundary and cannot be annexed at this time.

- b) *LAFCO will consider applicable MSRs and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.*

The previous LAFCO MSRs recommended annexing properties that are receiving, or will require, City water service, as appropriate. The City has committed to the future annexation of the Mt. View area.

- c) *If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., rezoning, plan for annexation, deferred annexation agreement, etc.) which demonstrate that out of agency service is an intermediate steps toward eventual annexation.*

The City has indicated its commitment to the future study and annexation of the Mt. View area. The City has also obtained and recorded a deferred annexation agreement on the subject parcels.

Water Supply to the Subject Property – The subject property is in the Mt. View area, which is characterized by high density single family residential use. The Mt. View area is partially served with water service through the City of Martinez and sewer service through the MVSD.

The City indicates that it has adequate water to serve the subject property. Water service will be provided from the existing 6-inch main on Pacheco Blvd; no extension to the existing water main is needed. The water service improvements include 20 linear feet of one-inch diameter service line, a new water meter, and backflow device. The City will install the water service lateral, meter and backflow device in the street. The property owner is responsible for constructing the private water service line from the house to the meter. All required construction costs will be borne by the property owner.

Environmental Review – The City of Martinez found the extension of water service to the subject exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15303(d) and has prepared a Notice of Exemption. The LAFCO Environmental Coordinator has reviewed the City's CEQA documentation and finds its adequate for LAFCO purposes.

ALTERNATIVES FOR COMMISSION ACTION

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation of local agency boundaries and facilitating the efficient provision of public services. The CKH provides that LAFCO can approve with or without amendments, wholly, partially, or conditionally, or deny a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions. The following options and recommended terms and conditions are presented for the Commission's consideration.

Option 1 **Approve** the OAS request as proposed and approve Resolution No. 20-01 (Attachment 2).

- A. Find that the project is exempt pursuant to section 15303(d) of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to APN 375-241-002 located at 1367 Plaza Drive in unincorporated Martinez subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one single family dwelling unit,
 - 2. The City of Martinez has delivered to LAFCO an executed deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA, and
 - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the OAS.

Option 2 **Deny** the request, thereby prohibiting the City of Martinez from providing water service to the subject property.

Option 3 **Continue** this matter to a future meeting to obtain more information.

RECOMMENDATION

Option 1 – Approve the OAS request with conditions as noted.

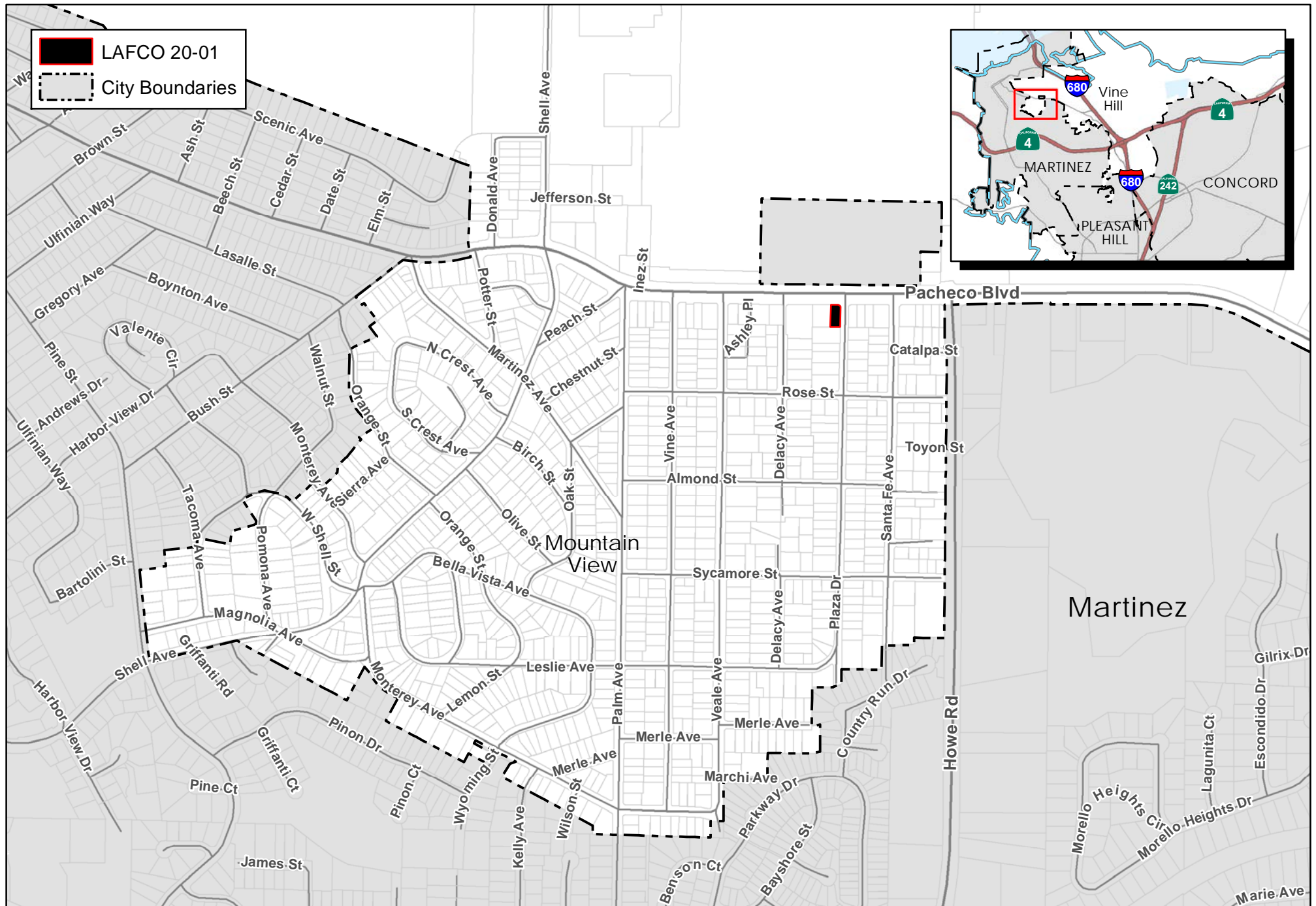
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Attachments

- 1. Map of APN 375-241-002 (1367 Plaza Drive)
- 2. Draft LAFCO Resolution 20-01

c: Khalil Yowakim, City of Martinez
 Christina Ratcliffe, City of Martinez
 Scott Alman, City of Martinez
 Marco A. Rodriguez, Landowner

LAFCO No.20-01 City of Martinez Out of Agency Service (1367 Plaza Drive)

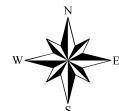
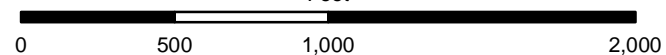


Map created 01/31/2020
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

Feet

Attachment 1



RESOLUTION NO. 20-01**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE
OUT-OF-AGENCY WATER SERVICE TO APN 375-241-002 (1367 PLAZA DRIVE)**

WHEREAS, the above-referenced request has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the California Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer gave notice of the Commission's consideration of this request; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, out of agency service approval is needed in order to provide water services to the property in anticipation of a future annexation; and

WHEREAS, the City of Martinez and the property owner have entered into a Deferred Annexation Agreement in support of the future annexation of the property to the City of Martinez.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Contra Costa Local Agency Formation Commission as follows:

- A. Find that the project is exempt pursuant to section 15303(d) of the CEQA Guidelines, consistent with the determination of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to APN 375-241-002 (1367 Plaza Drive) located in unincorporated Contra Costa County subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one single family dwelling unit on the subject parcel,
 - 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
 - 3. The City of Martinez and the property owner have signed a deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and run with the land so that future landowners have constructive notice that their property is encumbered by the DAA.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

* * * * *

PASSED AND ADOPTED THIS 12th day of February 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CANDACE ANDERSEN, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: February 12, 2020

Lou Ann Texeira, Executive Officer



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

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Lou Ann Teixeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

February 12, 2020
Agenda Item 7

February 12, 2020 (Agenda)

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Executive Officer's Performance Review and Compensation

Dear Members of the Commission:

DISCUSSION

The Commission met on December 11, 2019 and January 8, 2020 in Closed Session to discuss staff performance.

Thereafter, Chair Butt and Vice Chair Andersen met with the Executive Officer to discuss her performance review and salary recommendation as summarized in the attached memo.

Thank you for your consideration of the recommendation.

RECOMMENDATION

Consider the recommendation per the attached memo.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment

M E M O R A N D U M

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, First Floor ♦ Martinez CA 94553 ♦ (925) 313-7133

February 12, 2020

TO: Members of the Commission

FROM: Chair Andersen

SUBJECT: Executive Officer's Compensation

The Commission met in Closed Session on December 11, 2019 and January 8, 2020, to discuss Executive Officer Lou Ann Texeira's performance evaluation.

The Chair and Vice Chair subsequently met with the Executive Officer to provide input regarding her performance review. During that meeting we expressed to the Executive Officer comments from the Commission as to her exemplary work.

It is recommended that the Commission approve a 5% increase to the Executive Officer's base salary effective January 1, 2020.



February 12, 2020
Agenda Item 8

AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING
January 8, 2020
9:00 a.m.

Board Conference Room
1200 Concord Avenue, Suite 350
Concord, California

THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Recognition of Elise Diliberto for 5 years of service and Ruchelee Durbin for 30 years of service.
3. Accept comments from the public.
4. Approve minutes from the December 11, 2019 meeting.
5. Routine items for January 8, 2020.
 - a. Approve certifications of membership.
 - b. Approve service and disability allowances.
 - c. Accept disability applications and authorize subpoenas as required.
 - d. Approve death benefits.
 - e. Accept asset allocation report.
 - f. Accept liquidity report.

CLOSED SESSION

6. The Board will go into closed session pursuant to Govt. Code Section 54957 to consider recommendations from the medical advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
a. Jack Sheppard	Service Connected	Service Connected

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

OPEN SESSION

7. Consider and take possible action regarding non-service connected disability retirement allowance of deceased member Saenyuan Pharn.
8. Retirement overview session.
9. Consider and take possible action to approve the assignment of CCCERA's agreement with LRWL Inc. to Segal Consulting.
10. Consider and take possible action to adopt the CCCERA position pay schedules for classifications represented by AFSCME, Local 2700.
11. Consider and take possible action to authorize the members of the Audit Committee to participate in the interview of the final candidate(s) for the newly created position of internal auditor.
12. Consider authorizing the attendance of Board:
 - a. 2020 Risk & Liquidity Forum, Institutional Investor Forums, January 28-29, 2020, San Francisco, CA.
13. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.



AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
January 22, 2020
9:00 a.m.

Board Conference Room
1200 Concord Avenue, Suite 350
Concord, California

THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Accept comments from the public.

CLOSED SESSION

3. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency designated representative:
Gail Strohl, Chief Executive Officer

Unrepresented Employees: All CCCERA unrepresented positions

OPEN SESSION

4. Investment benchmark education.
5. Consider and take possible action to adopt a cost-of-living increase for retirees as of April 1, 2020.
6. Consider authorizing the attendance of Board:
CII Spring 2020 Conference, Council of Institutional Investors, March 9-11, 2020, Washington, DC. (Note: Conflict with Meeting)
7. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

CALAFCO Daily Legislative Report as of Wednesday, February 05, 2020

1

AB 315 (Garcia, Cristina D) Local government: lobbying associations: expenditure of public funds.
Current Text: Amended: 1/6/2020 [html](#) [pdf](#)
Introduced: 1/30/2019

Last Amended: 1/6/2020

Status: 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

February 12, 2020
Agenda Item 10a

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law authorizes the legislative body of a local agency, defined as a county, city, or city and county, or a district, defined broadly to include other political subdivisions or public corporations in the state other than the state or a county, city and county, or city, to attend the Legislature and the Congress of the United States, and any committees thereof, and to present information regarding legislation that the legislative body or the district deems to be beneficial or detrimental to the local agency or the district. Current law also authorizes the legislative body of a local agency or a district to enter into an association for these purposes and specifies that the cost and expense incident to the legislative body's or district's membership in the association and the activities of the association are proper charges against the local agencies or districts comprising the association. This bill, with respect to moneys paid to or otherwise received by an association from a local agency or district member of the association, would prohibit an association of local agencies or districts from expending those moneys for any purpose other than the above-described activities and educational activities.

Position: Oppose

CALAFCO Comments: As gut and amended, this bill will have significant impact to CALAFCO in the uses of member LAFCo and certain Associate Member dues being limited to only direct educational activities or lobbying efforts (this means all administrative efforts not related to these two things including all travel not related to education or lobbying or public education campaign regarding LAFCo will have to cease).

CALAFCO joined a coalition of stakeholders to oppose the bill ahead of the January 15 hearing date in ALGC which was cancelled by the author.

AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.
Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)
Introduced: 2/21/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/6/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Attachments:
[LAFCo Support Letter Template](#)
[CALAFCO Support letter Feb 2016](#)
Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCos whose decisions have been aligned with the goals of sustainable communities strategies.

We were unsuccessful in getting the \$1.5 M into the budget so the author has decided to make this a 2-year bill and try again in the next budget in a budget trailer bill.

AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.
Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)
Introduced: 2/22/2019

Status: 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 7/5/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 7/5/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system. The bill would require the commission to approve or deny the app. Unless the commission designates a different procedure because it determines a consolidation warrants a more comprehensive review, the bill would authorize a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

SB 272 (Morrell R) Fire Protection District Law of 1987.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/4/2019

Status: 2/3/2020-Returned to Secretary of Senate pursuant to Joint Rule 56.

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Fire Protection District Law of 1987 provides that whenever a district board determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more service zones by adopting a resolution that includes specified information, fixing the date, time, and place for public hearing on the formation of the zone, publishing notice, as specified, hearing and considering any protests to the formation of the zone at the hearing, and, at the conclusion of the hearing, adopting a resolution ordering the formation of the zone. If a resolution adopted after the public hearing would substantially expand the provision of services outside of an existing service zone and the extension of service would result in those persons in the expanded area paying charges for the expansion of services, this bill would provide that the resolution does not become effective unless approved by a majority of the voters within the expanded service area.

Position: Watch

CALAFCO Comments: As amended, the bill amends the Health & Safety code regarding the formation of zones within a fire protection district by requiring the district hold an election, regardless of the protest level, if the district wants to substantially expand (as defined in the bill) services outside the zone. This is unrelated to 56133. CALAFCO will retain a Watch position.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 6/25/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 6/25/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Support

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.**Current Text:** Introduced: 1/15/2019 [html](#) [pdf](#)**Introduced:** 1/15/2019**Status:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Attachments:[CALAFCO Support Letter](#)**Position:** Support**Subject:** Tax Allocation**CALAFCO Comments:** Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from 2018.**AB 818 (Cooley D) Local government finance: vehicle license fee adjustment amounts.****Current Text:** Introduced: 2/20/2019 [html](#) [pdf](#)**Introduced:** 2/20/2019**Status:** 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

Attachments:[LAFCo Support letter template](#)[CALAFCO Support March 2019](#)**Position:** Support**Subject:** Financial Viability of Agencies**CALAFCO Comments:** Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018.**AB 1304 (Waldron R) Water supply contract: Native American tribes.****Current Text:** Amended: 5/6/2019 [html](#) [pdf](#)**Introduced:** 2/22/2019**Last Amended:** 5/6/2019**Status:** 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 5/29/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands. The bill would repeal its provisions on January 1, 2025.

Position: Watch**Subject:** Municipal Services, Water**CALAFCO Comments:** This bill amends the water code to allow a Native American tribe to sell/deliver water to a water district (as defined in the water code section 20200). The bill sunsets on January 1, 2025.**AB 134 (Bloom D) Safe Drinking Water Restoration.****Current Text:** Amended: 5/20/2019 [html](#) [pdf](#)**Introduced:** 12/5/2018**Last Amended:** 5/20/2019**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/12/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board's activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch**Subject:** Water**AB 1053 (Dahle R) Fallen Leaf Lake Community Service District.****Current Text:** Amended: 3/25/2019 [html](#) [pdf](#)**Introduced:** 2/21/2019**Last Amended:** 3/25/2019**Status:** 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/22/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would prohibit, on and after January 1, 2020, the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

Position: Watch

CALAFCO Comments: CALAFCO will watch this bill to determine if the outcome of the State Audit on this district will have an impact on all CSDs.

AB 1457 (Reyes D) Omnitrans Transit District.

Current Text: Amended: 5/24/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/24/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/25/2019)(May be acted upon Jan 2020)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

Attachments:

[CALAFCO Oppose unless amended letter April 2019](#)

Position: Neutral

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. CALAFCO has been working with the author and sponsor on amendments and the May 24 version addresses the vast majority of concerns. CALAFCO continues to work with the author and sponsor on minor technical amendments.

SB 654 (Moorlach R) Local government: planning.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 2/3/2020-Returned to Secretary of Senate pursuant to Joint Rule 56.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

CALAFCO Comments: This is a spot bill. The author indicates he has no plans to use this for LAFCo law.

SB 799 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Introduced: 1/7/2020 [html](#) [pdf](#)

Introduced: 1/7/2020

Status: 1/15/2020-Referred to Com. on GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law repeals this pilot program as of January 1, 2021. This bill would delete the January 1, 2021, repeal date with regard to the pilot program, thereby continuing its operation indefinitely.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: Originally created as a pilot program for San Bernardino and Napa LAFCos in 56133.5, the program is set to sunset January 1, 2021. This bill seeks to eliminate that sunset.

Total Measures: 14

Total Tracking Forms: 14

2/5/2020 11:45:13 AM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – February 12, 2020

February 12, 2020
Agenda Item 10b

LAFCO APPLICATION	RECEIVED	STATUS
LAFCO No. 10-09 - Town of Discovery Bay Community Services District (DBCSD) sphere of influence (SOI) Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove	July 2010	Currently incomplete
LAFCO No. 10-10 - DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	July 2010	Currently incomplete
LAFCO No. 13-04 - Bayo Vista Housing Authority Annexation to Rodeo Sanitary District: proposed annexation of 33± acres located south of San Pablo Avenue at the northeastern edge of the District's boundary	Feb 2013	Continued from 11/12/14 meeting
LAFCO No. 14-05 - Reorganization 186 (Magee Ranch/SummerHill): proposed annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) of 402± acres; 9 parcels total to CCCSD (8 parcels) and EBMUD (7 parcels)	June 2014	Removed from Commission's calendar pending further notice
LAFCO No. 16-06 - Tassajara Parks Project – proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 16-07 -Tassajara Parks Project – proposed SOI expansions to CCCSD and EBMUD of 30+ acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 19-08 - West County Wastewater District (WCWD) Annex 320 Urban Tilth Annexation (323 Brookside Drive) – proposed annexation of 3.1± acres (APN 408-201-017)	Oct 2019	Pending

Researchers: Drought Threat Lingers Over Northern California; ‘Hope For Rain’

January 23, 2020 at 9:08 am

Filed Under: [California](#), [Drought](#), [Water](#)

DAVIS (CBS SF) — What kind of winter is California having? This year, trying to answer that presents another question, and that is how would one like to do the measuring? That is exactly the kind of thing they work on at U.C. Davis.

“It sounds like such a simple problem,” laughs Professor Andrew Rypel. “But the solution is not simple.”

As Director of the Center for Watershed Studies, Rypel spends a lot of time tracking the numbers that add up to a good or bad Winter, as far as precipitation is concerned. Those numbers basically come in three categories.

“We look at the rain, we look at the snow, and then we look at the reservoirs to see what’s the rivers are going to do in response,” Rypel explained.

As for the story at elevation, the most recent snow survey found the Sierra snowpack at 97% of average. Those surveys, however, are localized, and not necessarily the entire story.

“Even with an eight-station index in the Sierras, that does not do a very good job of predicting whether we have a wet year or a dry year,” Rypel said of the snow surveys.

There is, of course, also rain. That’s where the 8-station index from Northern California creeks and rivers comes in.

“It’s just a different shot,” Rypel says of the chart. “So just like snow can be local, rain to be local as well. So it’s the same deal, what’s going on locally and what’s going on regionally.”

While the snowpack is just below average, rainfall numbers are well below average. The last factor in the equation is reservoir levels.

“Yeah so the reservoirs are, by and large, almost completely full,” Rypel explained. “So if you were to have just one or two big storms, that would spill the reservoirs, Oroville and Shasta, and that would be a very different looking sprain and if they were to not spill.”

Reservoirs are like the bank, partly reflecting the wealth from past years, but if the season stays dry, those levels will dip. Another dry year and they'll dip some more. Droughts happen in slow motion, over several years.

What California has now is a winter that is trending dry by most counts, but could still go either way.

“It’s the type of situation where you just have to keep your eye on the ball,” Rypel says. “Be tracking conditions all the time, and hope for rain.”

East Bay Times

Lafayette's big housing plan returns — and so do residents' concerns

More meetings planned for Terraces of Lafayette's proposed 315 apartments



The Lafayette Planning Commission, shown in this photo, and the city's Circulation Commission held a joint study session Tuesday on the Terraces of Lafayette's proposal to build 315 apartments on Deer Hill Road. (Jon Kawamoto/Bay Area News Group)

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: January 22, 2020 at 11:58 am | UPDATED: **January 23, 2020** at 7:01 am

A correction to an earlier version of this article has been appended to the end of the article.

LAFAYETTE — Lafayette's big apartment project returned as the subject of a study session Tuesday night — and so did the concerns of possible traffic problems and safety hazards at an already congested intersection near Acalanes High School.

The city's Planning Commission and Circulation Commission held the first of five public hearings on the resubmitted Terraces of Lafayette proposal to build 315 apartments on Deer Hill Road across the street from the school. Officials mainly discussed the project's potential traffic impacts and transit-related issues at the joint meeting. Other issues such as safety and fire hazards will be discussed at later meetings.

No action was taken at the meeting, which was attended by almost 60 people. Another Planning Commission meeting on the Terraces is scheduled for March 16.

During the presentation, traffic studies, maps and artist's renditions were shown. According to the city staff report, "the re-activated Terraces Project would not result in any new, or substantially more severe, significant transportation and circulation impacts." The area is around Reliez Valley, Deer Hill and Pleasant Hill roads and the adjoining streets.

That conclusion hit a nerve with several of the 15 public speakers, who disagreed. And the city officials, including planning commissioners Farschad Farzan and Gary Huisingsh and Public Works Director Mike Moran, agreed the intersection already is suffering from heavy traffic congestion.

"The idea of having 315 apartments in that very, very congested and very busy intersection is just unbelievable," said Laura Naman, who said she commutes to Berkeley and downtown Lafayette during peak hours.

Kristen Altbaum, who showed photos of traffic along Reliez Valley Road near Acalanes High, said that traffic has worsened since 2013.

"I think it's unfathomable for anybody in this room to approve, condone or commit to this project being built without personally experiencing, witnessing and understanding how many traffic complexities originate at this intersection," she stated.

Myles McGinn, a homeowner for 34 years, spoke about the potential, life-threatening fire hazards that a huge apartment project would pose. He described evacuating his parents during the Oakland hills firestorm in 1991, said the commute to the Burton Valley neighborhood was already "a parking lot" and was concerned about wildfires and getting out.

"It's an accident waiting to happen," he said.

Matt Regan, senior vice president of public policy for the Bay Area Council, said the traffic congestion is rooted in the estimated 200,000 people who commute on weekdays from the Central Valley cities such as Stockton, Tracy and Manteca, "where we have outsourced housing."

He supported the Terraces project because it would provide local housing and "urge you to take a long, hard look at this project and perhaps approve it as quickly as possible." He urged the city commissioners to "look at the big picture" of housing.

Dave Baker, project manager for the Terraces of Lafayette, said developer O'Brien Homes would create a sidewalk on Deer Hill Road near Acalanes High — the area is currently unpaved — and also would construct a 10-foot-wide area for vehicles dropping off students on Pleasant Hill Road. The developer would also add a new southbound lane to Pleasant Hill Road.

Bryan Wenter, attorney for O'Brien Homes, said the street improvements "will alleviate existing conditions on Deer Hill Road."

Since it was first proposed in March 2011, the Terraces plan has been marked by controversy. It has been the subject of 20 public hearings, a lawsuit, a state court ruling and a failed referendum called Measure L that sought voter approval of a compromise plan of 44 houses instead of apartments. The property covers 22 acres off Deer Hill and Pleasant Hill roads near Highway 24.

Correction: Jan. 22, 2020. An earlier version of this article incorrectly named Pleasant Hill Road.

East Bay Times

Orinda ranked on list of best cities to live in nation

Survey named city as No. 28; Piedmont, S.F., Palo Alto, Monterey, Burlingame also named



ORINDA – 94563: Spotlights illuminate the night sky during the Orinda Theatre’s 75th anniversary gala celebration in Orinda in 2016. The 800-seat art deco theater was built between 1937-1941 by local developer Donald Rheem. (Jose Carlos Fajardo/Bay Area News Group Archive)

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: January 22, 2020 at 12:32 pm | UPDATED: **January 23, 2020** at 4:46 am

ORINDA — Orinda reported a dose of good news for the city this week — it’s been chosen as one of the nation’s best places to live.

The financial news and opinion website [24/7 Wall St. recently released its “America’s 50 Best Cities to Live”](#) for 2020 and Orinda placed No. 28 on the list. Nearby Piedmont was ranked No. 5.

Other Northern California cities that made the list were San Francisco, Palo Alto, Burlingame and Monterey. In all, 10 California cities reached the top honors — including the No. 1 city, Manhattan Beach in Los Angeles County.

The website noted that Orinda, with a population of 19,431, is a high-income city with the typical household earning \$210,288 a year, “about 3.5 times as much as the typical American households.”

“While goods and services are more expensive in Orinda, these high incomes are likely enough to offset the high costs,” the website continued. “Wealthier areas typically have highly educated populations, and in Orinda, 83.1 percent of adults have a bachelor’s degree or higher, compared to just 31.5 percent of adults nationwide.”

24/7 Wall St. also said an average of 3.6 percent of the city’s labor force was unemployed over the past five years. The U.S. average unemployment rate over the past five years was 5.9%, according to the website.

The website used more than two dozen metrics related to affordability, economy, standard of living and community in coming up with its list. Data came from sources such as the U.S. Census Bureau and the Centers for Disease Control and Prevention. Only the top city in each county was selected for the list.

“It is important to note that there is no such thing as a perfect city or town, and that many of the attributes one may look for in a community are subjective and not quantifiable,” the 24/7 Wall Street list said.

If you’re interested

The 24/7 Wall Street list of “America’s 50 Best Cities to Live” is at <https://247wallst.com/special-report/2020/01/13/americas-50-best-cities-to-live-8/>

East Bay Times

Steel plant to pay \$825,000 fine for mismanaging hazardous waste in Pittsburg

Pittsburg Steel plant 'disappointed' in ruling, but agrees to \$825,000 fine



Coils of steel are shown at the USS-POSCO plant on Monday, Nov. 7, 2011 in Pittsburg. (Jose Carlos Fajardo/Staff)

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

PUBLISHED: January 22, 2020 at 3:40 pm | UPDATED: **January 23, 2020** at 10:05 am

AntiochUSS-POSCO Industries must pay an \$825,000 fine for illegally storing lead dust and mismanaging hazardous waste at its Pittsburg plant, the state Department of Toxic Substances Control announced Tuesday.

As part of a [settlement](#) reached Dec. 12, the steel plant will have to set aside \$200,000 of the total amount to pay for development of an online hazardous waste training course to educate others on environmental regulations.

In a complaint filed in Contra Costa County Superior Court, the State Attorney General's Office accused the steel finishing plant — a joint venture of U.S. Steel and Korean steelmaker POSCO

— of allowing zinc- and lead-contaminated debris and dust to accumulate in a run-down storage area and be dispersed by wind and rain into the environment.

“We are deeply concerned that UPI (USS-POSCO) knowingly mismanaged hazardous waste and failed to prevent its release into the environment,” Meredith Williams, director of the Department of Toxic Substances Control, said in a written statement Tuesday. “UPI compounded the dangers to its staff, the public, and the environment each day it put off compliance with hazardous waste management requirements. This settlement makes clear that ignoring environmental laws carries heavy consequences.”

A spokesman for the 100-year-old steel plant said company officials “differed in the interpretation of the facts” and were disappointed in the ruling.

“We don’t believe the penalty is appropriate, but we share the commitment to be sure we are compliant in every way with environmental regulations — and in continuous improvement in our environmental practices and procedures,” USS-POSCO attorney Cory S. Anderson said.

“There are gray areas under the regulations — reasonable people can disagree to the interpretations. The environmental regulations do give a great deal of discretion, but we felt it was in everyone’s best interest to move on and continue to work to get better.”

In its report, the state agency also said the company failed to do inspections and use waste containers, labels and other forms of proper waste management.

A state agency’s inspection in 2017 uncovered a run-down, walled-off portion of the building where lead- and zinc-contaminated dust and debris collected on the floor and were dispersed through the air to the outdoors, officials said.

The inspectors also noted broken windows, open ceilings, and bird feathers and droppings inside the plant, and samples from the soil immediately surrounding the building showed hazardous levels of lead and zinc, indicating that contaminated dust somehow got outside.

Steel plant employees were instructed by their managers to wear protective equipment when entering the contaminated area of the building, indicating they knew of the dangers posed, according to Department of Toxic Substances Control officials.

Anderson, however, said the two areas referenced in the report were phased out more than 30 years ago and the company already had been working with that same state agency as part of a larger plan to make sure it took appropriate environmental measures.

“It was not a situation in that they were being concealed,” he said. “The Department of Toxic Substances Control has worked with us and had oversight over that very area. The existence of lead was made known decades ago and (environmental) procedures and practices were put into place.”

Anderson said despite the findings, employees and neighbors “were not placed at risk.”

During the agency's follow-up inspection in the spring of 2018, inspectors found USS-POSCO was using tanks formerly used for acid wash baths to illegally store liquid and solid hazardous waste, the state agency said in a statement.

"I'm not suggesting we don't have room for improvement — that is always our goal," Anderson added. "We were ultimately disappointed in the penalty, but our plan is to get better and better and continue to look for areas to improve.... We have the same goals. We don't see them as adversaries."

As part of the settlement, the company agreed to remediate hazardous waste releases at its facility, including the lead- and zinc-contaminated dust and soil.

USS-POSCO, Pittsburgh's largest private employer, produces cold-rolled steel used in furniture, building and automotive components and other goods, galvanized steel for residential and commercial construction, and tin products used primarily in the canning industry.

East Bay Times

Former Manteca city manager selected to administer Brentwood

Tim Ogden was part of a political shakeup last fall that saw many of the city's top staff leave



A woman walks into the front entrance to the new Brentwood Civic Center Tuesday Oct. 18, 2011 in Brentwood Calif. (Dan Rosenstrauch/staff)

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

PUBLISHED: January 23, 2020 at 7:06 pm | UPDATED: **January 24, 2020** at 4:59 pm

Manteca's former city manager has been selected to manage Brentwood following a national search, city officials announced Thursday.

Tim Ogden, Manteca's city manager for 2 ½ years, will replace Gustavo "Gus" Vina, who retired in the fall. The council will review his employment agreement at its meeting Tuesday.

Ogden was placed on administrative leave last September, as were the city's finance director, police chief, public works director and human resources director around the same time. Another top official, a community development director, left for another job then as well.

The political shakeup came after three new members were elected to the five-person Manteca City Council. It was the biggest turnover in decades.

Ogden could not be reached for comment, but said in a statement: “It would be an understatement to say how excited I am to work in Brentwood with the City Council, and staff in a city that has been well-managed and ripe with opportunity.”

Manteca Mayor Ben Cantu, who was elected in 2018, said the fallout was a personnel issue so he could not comment.

“The only thing I can say is I wish him well,” he said about Ogden.

Former Mayor Steve Debrum, who was on the council that hired Ogden, called the city manager “a class act.”

“He did an excellent job as city manager,” Debrum said. “He was the lead negotiator for the Great Wolf Lodge project (located in Manteca). He did an outstanding job for us and we were pleased with him.”

Derbum called last fall’s shakeup “quite unusual” for Manteca, but added that he was “not privy to what the new council saw.”

“He was a great guy and a great find,” Derbum added. “I know he will do Brentwood a great job.”

Brentwood Mayor Bob Taylor said Ogden was the city’s top choice, picked from a field of more than 40 candidates “from all over.”

“We vetted him very stringently,” he said. “Sometimes when a new council takes over, it’s not an amicable relationship.”

Ogden comes to Brentwood with nearly nine years of city manager experience and more than 18 years of local government expertise. Before Manteca, he was Waterford’s city manager for more than six years. He also worked for the cities of Riverbank and Modesto, in economic development and finance.

“We interviewed a lot of great city manager candidates and are impressed with Tim’s specific qualifications and leadership experience, and are ready to put him to work in our dynamic community,” Taylor noted.

The mayor said the city was looking for “someone who would be a good fit” for Brentwood.

“Not necessarily someone from a high-profile city, but a good down-home person that fits Brentwood’s lifestyle,” Taylor said. “We are growing, obviously, but we still have a small-town feel and people look out for and respect each other. We wanted someone who would be congenial.”

In addition to having earned an executive MBA, Ogden qualified for ICMA’s credentialed manager in 2017, served as president of the League of California Cities Central Valley City Manager Division, and chaired several regional committees and boards over the years.

Taylor said Ogden had “great letters of recommendation” and was “honest and open.”

“After having met him and chatted with him, I think he is going to be a great fit for our city.”

Some of Ogden’s accomplishments include cinching an agreement to bring the \$180 million Great Wolf Lodge to Manteca (beating out Brentwood’s bid), negotiating a new property tax sharing agreement with the county, and spearheading an economic development strategic plan that’s now being implemented, among others.

“I appreciate the trust and confidence in being selected for the position and eager to get to know the community that I love already,” Ogden said in a statement.

Ogden and his wife Heather have four children between the ages of 20 and 12. In his spare time, he enjoys leadership responsibilities with his church, plays basketball, supports his children in their sporting activities, and loves kayaking and hiking outdoors. He said he plans to relocate to Brentwood. His first day on the job will be Feb. 3.

East Bay Times

EPA grant will help Pittsburg assess, clean up contaminated sites

Cleaning brownfields could be first step toward revitalization



A view of the waterfront in Pittsburg, Calif. Thursday, February 26, 2009. (Kristopher Skinner/Staff Archives)

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

PUBLISHED: January 23, 2020 at 3:48 pm | UPDATED: **January 24, 2020** at 5:23 pm

Pittsburg will be spending \$800,000 from a federal grant to help clean up its potentially contaminated waterfront, downtown and manufacturing core.

Though the Environmental Protection Agency grant became available last fall, the City Council accepted the multipurpose grant this week.

A former fishing, canning, coal mining and heavy industrial hub, Pittsburg has been hindered in its economic development efforts by brownfields left behind by shuttered industries that occupy more than half its waterfront area, according to city staff.

The city applied for the EPA's Brownfield Grant Program in 2019 and was one of 149 communities selected to receive some of the \$64,623,553 million awarded nationally. The grant helps economically disadvantaged communities throughout the country to assess and clean up

abandoned industrial and commercial properties that potentially have hazardous substances, pollutants or contaminants.

“We are delighted to recognize the city of Pittsburg and its partners with this grant award,” EPA Pacific Southwest Regional Administrator Mike Stoker said in a written statement when the award was announced. “We look forward to seeing continued investment in the revitalization of Pittsburg and the community benefits which follow.”

Pittsburg’s manufacturing core is a state-designated “opportunity zone” where investors can potentially get tax credits for development.

Sara Bellafronte, the city’s administrative analyst who applied for the grant, said the city will use the \$800,000 along with an earlier \$300,000 EPA assessment grant to help assess and clean up its brownfields. She said it expects to find traces of petroleum, lead, asbestos and hydrocarbons such as benzo(a)pyrene (BaP).

“We want to spend significant time and effort painting the big picture on how to move forward in spending the \$800,000 multipurpose grant,” she said. “We want to do in-depth community outreach with stakeholders, community members, property owners, so that we can have the big picture painted before we start an environmental site work.”

Councilwoman Merl Craft suggested the city look to Richmond, which she said has “a robust program” already in place for using EPA funds to help kick-start revitalization.

“We’re talking about distressed areas,” she said. “It’s actually an economic development tool as well. It’s all-encompassing.”

Mayor Jelani Killings agreed.

“We’re excited as a council in terms of opportunities, in terms of re-purposing and planning for underutilized sites,” he said.

One resident, however, cautioned the council about problems with potentially contaminated or polluted lands.

“What I am learning is you can’t fix some of this land,” Joanne Fanucchi said. “It’s not fixable. It has to be left alone. Burying it in cement does not work...It would be great if we could let it rest. You know we don’t belong on some land. I’d like to hear what the methodology is for cleaning it up.”

“Hopefully, there are places that can be revitalized and that children will be safe on. There’s a lot of land that they won’t be.”

Despite potential concerns, the council voted to accept the grant. Councilwoman Shanelle Scales-Preston, who works in the affected area, abstained.

Los Angeles Times

January will end on a dry note in Southern California as the jet stream locks into a zonal pattern

The jet stream's pattern can bring dry weather or storms.
(Paul Duginski / Los Angeles Times)

By [Paul Duginski](#) Graphics and Data Journalist

Jan. 25, 2020

9:42 PM

January will [continue to be dry](#) in Southern California as the jet stream settles into a stable or zonal pattern, which means it flows more directly from west to east with little fluctuation. A wavy or undulating jet stream is the pattern that brings storms from the north Pacific into California.

“When the winter jet stream calms down, Southern California stays dry,” says Bill Patzert, former climatologist at NASA’s Jet Propulsion Laboratory.

When the jet stream is unstable, it meanders from north to south and back again. Cold air sinks farther south and warm air is carried into higher latitudes. A wavy jet stream can snag wet storms from the Gulf of Alaska and send them on a collision course with the California coast.

January’s [rainfall has been unimpressive to date](#), and Jan Null, veteran meteorologist with Golden Gate Weather Services, agrees that the last week of the month looks relatively dry. Seasonal precipitation totals for Northern and Central California continue to fall behind normal.

Northern Sierra 8-Station Index

Percentage of normal
as of Jan. 23



ggweather.com



Watersheds monitored by these stations are the source of a major portion of the water supply for the state.
(Paul Duginski / Los Angeles Times)

Of particular concern is the Northern Sierra 8-Station Index, which is at 67% of seasonal normal, as of Thursday. The index is the average of eight precipitation measuring sites that provide a representative sample of the Northern Sierra's major watersheds. These watersheds include the Sacramento, Feather, Yuba and American rivers. These rivers flow into some of California's biggest reservoirs, providing a large portion of the state's water supply.

Going farther south, as of Thursday the 5-station index for the Central Sierra is at 54% of normal, and the 6-station index for the Tulare Basin and the Southern Sierra is at 58% of normal, according to Golden Gate Weather Services.



The Drought Monitor has remained unchanged for weeks.
(Paul Duginski / Los Angeles Times)

The most recent Drought Monitor, released Thursday, continues to show just 3.6% of the state as abnormally dry. This has [remained unchanged for weeks](#). But does that mean the state is really out from under drought conditions?

“Drought is more than recent snowpack and rainfall,” Patzert warns. “Groundwater levels are dangerously low in many areas. Without more winter rain and snow, we could easily slip back into drought.”

Patzert says January has been a flop as far as rain is concerned. “Hopefully, we’ll have some excitement in February and March.”

San Francisco Chronicle

‘Normal winter’ expected to fill state’s lakes

[Tom Stienstra](#) Jan. 26, 2020 Updated: **Jan. 26, 2020** 7:32 p.m.

A “normal winter” is forecast into spring, predicted the Bay Area’s weather wizard, Michael Pechner of Golden West Meteorology.

On the heels of last year’s milestone rain and snow totals for much of Northern California and with residual high lake levels going into fall, a normal winter would fill most recreation lakes for summer camping, boating and fishing and provide good winter conditions for snow sports into April.

A review of the state’s reservoir system last week with the Department of Water Resources showed that 154 significant reservoirs are 114% of average for the date.

On the road last week, I received a text from Pechner as he was driving from Lake Tahoe through the Sacramento Valley to the Bay Area, so we connected for an hour. It was one of those weird January days, clear and warm, that felt like spring was arriving.

“I’m looking at a pretty normal winter from here on out,” Pechner said, allowing for local anomalies that occur across the region.

Pechner’s long-range outlooks have been spot-on for three years running, and this winter, have contrasted against many outlooks in late summer and fall that called for drought in Northern California.

In the Marin watershed, for instance, the gauge at Lagunitas Lake on the flank of Mount Tamalpais had recorded 27.25 inches of rain this winter, not including the latest storm totals over the weekend. Normal for the same date is 27.46 inches. At the same time last year, what turned into a wet year, it was 27.43 inches.

The district’s seven lakes were at 93% capacity, ahead of average storage, 81% for the date.

Outside of the Santa Clara County reservoirs, which always seem to get drained below half full before every winter, these numbers are characteristic for watersheds across Northern California.

The highest amount of rainfall recorded this winter is at Venados, an automated weather station perched on a ridge north of Armstrong Redwoods near the Russian River, with 37 inches.

Tom Stienstra is The San Francisco Chronicle’s outdoors writer. Email: tstienstra@sfgchronicle.com Twitter: [@StienstraTom](https://twitter.com/StienstraTom)

East Bay Times

Lafayette reopens all trails after killing 19 wild pigs

City declares success in war against feral boars who caused \$25,000 in damage.

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: January 29, 2020 at 4:42 pm | UPDATED: **January 30, 2020** at 2:59 pm

LAFAYETTE — The city of Lafayette has declared victory in its war against wild pigs — at least for now.

The [city announced Wednesday on its website](#) that the Parks, Trails & Recreation Department has reopened all trails “following a successful operation to control the feral pig population.” In all, 19 wild pigs were removed, according to the release.

Asked if they were killed, Parks, Trails & Recreation Director Jonathan Katayanagi confirmed in an email that they were.

“Regulations do not allow for relocation of the invasive species,” Katayanagi wrote, adding that the city worked with a trapper, the California Department of Fish and Wildlife and the Lafayette Police Department “to ensure that the pigs were euthanized safely.”

Katayanagi added that he and the trapper, Chris Davies, “worked with local families to move every pig from park to table, making certain the pigs did not go to waste.”

The wild boars created havoc beginning in October, tearing up city parks, schoolyards and several front lawns in residential neighborhoods. The city estimated they caused \$25,000 in damage to city parks.

All Lafayette Community Park trails were open again Monday and staff is monitoring the park and surrounding areas for feral pig activity, the press release says.

“Should feral pig activity increase, park staff may close sections of trails,” the release states. “Please obey all signage in the parks. There may still be wild pigs in the vicinity. The public is reminded to keep dogs on-leash at all times.”

The public is advised to not approach wild pigs and to avoid trails and parks at dawn and after dusk because that’s when the animals are most active.

“If threatened by a pig, climb up a tree, boulder, bench, and, as a last resort, fight back,” the press release continues. “Do not enter pig-trapping areas.”

The wild pigs were first reported Oct. 1, ripping up 52-acre Lafayette Community Park in search of food and leaving the soccer fields with plenty of holes. The city installed a temporary wire fence around the fields on Oct. 2 to deter the feral pigs, and reports of them around the park slowed down for several weeks.

But in early November, the pigs destroyed the nearby field at Burton Valley Elementary, parks director Katayanagi said. He added that the animals also tore up front lawns and yards in the Burton Valley neighborhood.

East Bay Times

Brentwood denies appeals, paves way for large apartment complex

Concord developer had twice appealed design review of project

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

PUBLISHED: January 29, 2020 at 3:16 pm | UPDATED: **January 31, 2020** at 3:57 pm

Plans for a 288-unit apartment complex twice held up by a home builder's appeals finally got the Brentwood City Council's OK this week to proceed.

A design review of the three- and two-story complex on Amber Lane was postponed in early December when an attorney for Concord-based Discovery Builders Inc. wrote a letter saying the project needed further environmental review and didn't comply with the East Contra Costa County Habitat Conservation Plan that ensures appropriate measures are taken if any special habitats or species are found.

Then later that month, the Planning Commission re-examined the project and voted 3-1 to approve its design, with Commissioner Cyndi Hankins dissenting.

The second appeal, this one challenging the Planning Commission's decision, came late Tuesday when Discovery Builders' attorneys cited the same environmental complaints while questioning the age of the traffic study, which was done in 2016 and updated in 2018, as well as what they claimed was the developer's inadequacy in compensating for the project's impact on the fire district, among other issues.

City staff said the developer will pay impact fees and enter into a community facilities district agreement to offset the proposed project's effects on East Contra Costa Fire Protection District services.

Real estate firm Tekin & Associates' project is the first one proposed in a 430-acre area designated Priority Area One, which was planned as a job-generating hub and approved for mixed-use development.

But Louis Parsons of Discovery Builders on Tuesday questioned the approval process for developing the 14.4-acre, vacant three parcels west of Shady Willow Lane, saying the initial resolution offered no mitigation for impacts on the fire district and that the environmental reviews were incomplete.

"The CEQA (environmental) analysis is woefully deficient ..." he said. "We were assured that project specific analysis would take place."

Discovery Builders' attorney, Skip Spaulding of Farella Braun and Martel, said a newly drafted environmental analysis is still not adequate.

But city staffers countered that the environmental review already completed for the area's specific plan is sufficient" allowing for a more streamlined environmental review for new projects within that area.

The city's legal team said it had reviewed everything, including the letters of appeal, and "are prepared to go through with it."

Project architect Lance Crannell of SDG Architects questioned why a competitor would challenge the city on projects that doesn't involve it.

"What you see in front of you tonight is an approved design review application, that working with staff and the agencies — the fire district being one of them — have all vetted all the questions asked tonight," he said.

Legalities aside, some residents questioned the project itself, saying it will stretch thin already overloaded fire services and further strain crowded local schools.

"I was glad to see the design level of approval was appealed," Kathy Griffin said. "I have a grave concern about another residential development being approved ahead of job-producing economic development in PA1 (Priority Area 1)."

Councilman Joel Bryant said that despite concerns, the project fulfilled all of the environmental and city requirements, and the council has limited discretion in approving or denying the design review.

The Amber Lane Apartments is the kind of in-fill project the community has said it wants, Bryant said, noting it offers an option for those who cannot afford or don't want to buy a home.

Councilman Johnny Rodriguez asked if the units were affordable.

Though the Amber Lane project does not include any HUD low-income households, developer Mark Tekin said the units will be affordable for families making as little as \$75,000 to \$80,000. No rent estimates were available, yet, though.

"Housing options for those folks currently in the Bay Area are extremely limited, so most of those people are moving to Sacramento, Nevada, Arizona and Texas," he said.

Councilwoman Karen Rarey said a transit center is just what's needed in that area.

"I agree we need to bring jobs here," she said. "We are working on that...Do we want them to come now? Yes ... but it's going to take a while."

"I don't know how we could deny this," she added. "Again, this is a design review because it is zoned for that area, so it makes it hard to look at anything other than the design."

The rest of the council agreed, unanimously denying the appeal and upholding the Planning Commission's approval of the design review.

East Bay Times

California cities and counties required to make housing more fair

Where people live can affect everything from health to job opportunities

By [Emily DeRuy](#) | ederuy@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: January 31, 2020 at 2:40 pm | UPDATED: **January 31, 2020** at 4:54 pm

Where a person lives can affect everything from their health to job opportunities. For generations, local governments have created zoning rules and other policies that have limited housing options for people of color.

Now, as key deadlines for a state housing law passed in 2018 loom, cities and counties are grappling with how to undo the resulting segregation and economic inequality.

At a fair housing conference at the Federal Reserve Bank of San Francisco on Friday, government officials, legal experts and community advocates grappled with how to meet the requirements of Assembly Bill 686, which requires jurisdictions to study housing inequality in their community and, by next year, outline a plan to address it.

“Communities of color have been squeezed especially hard,” said Will Dominie of the Bay Area Regional Health Inequities Initiative, pointing to the fact that black people and other people of color are disproportionately likely to have to move away from areas they’ve long called home because they are priced out. “We really have a chance now to change these conditions.”

There is no single standardized way cities and counties must tackle such complex problems, but it will likely mean changes to zoning and more affordable housing developments in wealthy neighborhoods, said Sam Tepperman-Gelfant, managing attorney of Public Advocates.

But according to Barbara Kautz, a partner at the law firm Goldfarb and Lipman, there are significant challenges, from a lack of funding for affordable housing to seemingly conflicting guidelines that such housing be both near transit — which is often in already dense areas — and that it take advantage of available vacant land.

“I think this is just going to be ... difficult,” Kautz said.

And then there is community pushback. The conference took place a day after another bill, Senate Bill 50, which would have allowed more density in single-family residential areas and around transit and job centers, died for this year after it failed to gain enough votes to clear a key hurdle in the state Senate.

Regardless of the challenges, warned Ada Chan with the Association of Bay Area Governments, local officials have “no excuse” to not begin planning. While cities in the region have done a good job of adding market-rate housing, they’ve added only around 20 percent of the low-income housing outlined in regional housing goals that are set to increase in the coming years.

“It’s a new day for housing in California,” Chan said.

And, warned Tepperman-Gelfant, “just failing to discriminate more is not enough.”

Cities will have to take actual steps to limit displacement and other issues.

“You can expect that there’s going to be a lot of up-zoning required in the next cycle,” Kautz said, referring to the next round of regional housing goals.

Cities and counties must do a better job, advocates said, of connecting with marginalized groups in their communities and making sure whatever strategies are adopted reflect their wants and needs.

“As they say, the devil is in the details,” said Ana Lugo of Equity First Consulting, which is working with Sonoma County. “Well, so is equity.”

In Sonoma, Lugo said, the county made sure those reaching out to residents to gather housing data and other information were from the communities they were canvassing. And the county handed out gift cards to Walmart and Target to people who took the time to answer pages of survey questions.

Right now, the recent legislation is mostly just “words on a website,” said Tameeka Bennett of Urban Habitat. “You have to get real about working with folks who are bearing the brunt of the housing crisis.”

East Bay Times

Ground broken on site of Oakley's old DuPont plant

Midwest developers' industrial business park expected to bring area thousands of jobs



Oakley City Council members, Contra Costa County supervisors and others throw dirt in a ceremonial groundbreaking on Jan. 28, 2020, for the new NorthPoint light industrial park, which is expected to bring thousands of jobs to the region.

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

PUBLISHED: January 28, 2020 at 8:00 pm | UPDATED: **January 31, 2020** at 6:28 pm

OAKLEY — A Midwest developer broke ground Tuesday on a multimillion-dollar, light industrial business park that could bring thousands of jobs to the region.

The Oakley Logistics Center, a 2-million-square-foot project from Kansas City-based NorthPoint Development, will be at the former DuPont plant site on Bridgehead Road in northwest Oakley.

The former chemical plant was shuttered in 1998 after 32 years of operations, employing some 600 workers at its peak. NorthPoint Development expects to generate 725 construction jobs, 1,890 direct jobs and 490 indirect jobs for services to the site at development's completion some three to four years after opening, said company strategist Jed Momot.

Oakley Mayor Kevin Romick said the site has long been tapped for a business or light industrial park that could help to address "the critical job-housing imbalance" in the area.

"We are a community blessed with the amenities of living on the Delta, vineyards scattered across our landscape and a bountiful supply of housing, but we exist in a job desert," he said at the groundbreaking Tuesday. "Today, we broke ground on an oasis. This also represents a significant step forward for the city."

Romick said that though the city has long supported development at the retired DuPont site, it was privately owned and a lengthy environmental remediation process had to be completed first to remove any toxic manufacturing byproducts. Over the years various attempts were made to sell the property, ranging from a power plant to a sports-based theme park, but all failed, he noted.

In 2015, the plant was transferred to the Chemours Company, which took "a more aggressive path" to guide it through the remediation process and find a new use for the site, Romick explained.

Grant Cape of the Department of Toxic Substance Control called the project "a shining example of what we want to do throughout the state of California."

"We essentially take contaminated properties, and we want to make them drivers for jobs, homes and revitalized communities and to reintegrate communities. You have a really successful project here that accomplishes that goal."

Oakley resident and Contra Costa County Supervisor Diane Burgis also stressed the area's potential.

"This is great for all of us, and that's the point," Burgis said. "We are working together to create jobs here in East Contra Costa. If you look at regional maps, it always puts us at the edge, but I love that the developer here is saying 'This isn't the edge.' We are in the middle of the Northern California megaregion, and there are all kinds of opportunities."

The 375-acre proposed development sits just south of Lauritzen Marina along the San Joaquin River, north of Main Street and east of Bridgehead Road. Under the plans, about 144 acres will be developed, with the rest (about 232 acres) being allotted for wetlands and recreational uses.

The developer, which specializes in brownfield developments, plans to build out the property in several phases, with the first of five planned buildings already leased to a still-unnamed business. The second building would be built speculatively, and the next three would be constructed depending upon market conditions, Momot said.

Expected uses include light industrial, warehouse, distribution, e-commerce fulfillment and light manufacturing space among others, according to NorthPoint.

Momot said at its peak development, the Contra Costa Logistics Center will represent a \$185 million investment, a number that could climb to more than \$250 million once tenants occupy the park.

“For many years the property was blighted, and many probably wondered what was going to happen with it,” Momot said. “I’m happy to report the remediation is nearly complete and the company will start construction on a couple of buildings here right away.”

At completion, which will be in about four years, the business park is expected to bring in \$388,400 annually to the city of Oakley as well \$420,000 a year in revenue to the East Contra Costa County Fire Protection District. As part of the plan, NorthPoint will also complete several roadway improvements, including Bridgehead Road’s intersections with Wilbur Avenue and Neroly Road as well as alterations on Main Street at Empire Avenue and on Big Break Road at Main Street.

East Bay Times

Urban sprawl is on the rise, but not in the Bay Area

A global study of urban sprawl shows mixed results in the Bay



San Jose State University is visible to the right of the San Jose City Hall building in this aerial photograph taken of downtown San Jose, California, Monday, July 10, 2017. (Karl Mondon/Bay Area News Group)

By [Jerimiah Oetting](mailto:joetting@bayareanewsgroup.com) | joetting@bayareanewsgroup.com |

PUBLISHED: February 3, 2020 at 8:00 am | UPDATED: February 3, 2020 at 4:44 pm

As metropolitan areas expand rapidly to fit the world's ever-growing population, a first-ever global study of street networks indicates that sprawling roads are on the rise, cementing a future in many places where relying on personal vehicles is the norm.

Streets crowded with carbon-spewing commuters are an obvious source of greenhouse gas emissions. But the layout of a community's streets might be the driving force behind a person's preferred transportation. Adam Millard-Ball, a co-author of the study published in January in Proceedings of the National Academy of Sciences, said that more connected streets provide better access to "greener" options for getting around, like public transportation, walking routes and bike paths.

But the cul de sacs, looping streets and dead-ends that are common in many suburbs and gated communities encourage driving. Millard-Ball, who is an environmental studies professor at UC Santa Cruz, said street disconnectedness is one indicator of sprawl. And the Bay Area, while having less sprawl than the U.S. average, is still a mixture of different road networks with varying levels of connectivity.

“Much of what has been built over the last 50 years has been in kind of sprawling style of development,” he said. But places like Redwood City and Palo Alto have maintained “much of their original character, even though they’ve been subsumed by urban growth.”

The researchers developed an index of sprawl by measuring the connectivity of all the world’s streets. An algorithm scanned an open-source online map system, identifying obstructions to pedestrian paths, like loops and dead-ends. With this data, the researchers assigned a score based on how disconnected an area’s streets were — the higher the number, the more sprawl — and mapped their results. The map is available at www.sprawlmap.org.

City centers, like downtown San Jose or San Francisco, are highly connected. Their grid networks often reflect their origin in an era before widespread vehicle use, when they were smaller, more walkable towns. As in many places around the world, most sprawl is due to rapidly expanding developments on the edge of dense cities.

If downtown grids are among the most connected network types, Millard-Ball said gated communities, which have few entry and exit points, represent the other extreme. People in these communities are more prone to driving, because the walled-off neighborhoods become a hindrance to accessing public services.

“You might live 20 feet from a bus stop, but it’s a 10-minute walk (to get there),” he said. “By design, it’s circuitous. It’s doing everything it can as a neighborhood to force you to drive.”

With America’s vast highway system and expansive suburbs, Millard-Ball said the U.S. has historically been “the poster-child” of urban sprawl, but that trend has been on a slow decline since 2000.

Now, other world cities have surpassed the U.S., with Bangkok and Guatemala City topping the list of world’s most sprawling cities, according to the study. And while the global trend is that sprawl is increasing, alternatives exist in places like Japan, where well-connected street networks and accessible public transportation have led to much lower rates of car ownership than other wealthy nations.

“It’s not like people in Japan can’t afford cars,” Millard-Ball said. “It’s that their cities are designed in a way that people choose to walk or take public transport instead.”

The trend toward sprawl is troubling, he said, because the streets are mostly permanent, and difficult to change once a community develops around them.

“If you look at cities, the streets that are there today have the same patterns as when they were first laid down, even if that was more than one hundred years ago,” said Millard-Ball. “Get the streets of a city wrong, you’ve locked yourself into car dependence and high greenhouse gas emissions for decades, and maybe even a century or more.”

In Santa Clara County and other Bay Area counties, sprawl had been declining at a faster rate than the rest of the U.S. since 2000. Ria Lo, the transportation manager for Mountain View, said that increased connectivity is due to more progressive urban planning for new developments.

“The conversation is happening, the change is happening, but my concern is we’re starting from so far behind,” she said. “It’s always better to get things right the first time.”

Lo said that new developments in Mountain View often require access for bikers and pedestrians, and include more connected road systems. But many developments from earlier decades are trapped with their original design.

“We don’t expect areas that are low-density residential (areas) to get demolished and get rebuilt as something else,” she said. “It’s like this in much of Silicon Valley ... it’s a lot more tricky.”

Millard-Ball said there are ways to retrofit communities to improve connectivity. Advocating for paths at the end of cul de sacs to connect streets is one example. And residents can demand that new developments aren’t built to be car-dependent. But he said, even if there are solutions, it can be hard to implement them, because people don’t like seeing their neighborhoods change around them.

“Get it right the first time,” he said. “Stop building disconnected streets now, because that’s going to affect energy and quality of life and walkability for a long time to come.”

East Bay Times

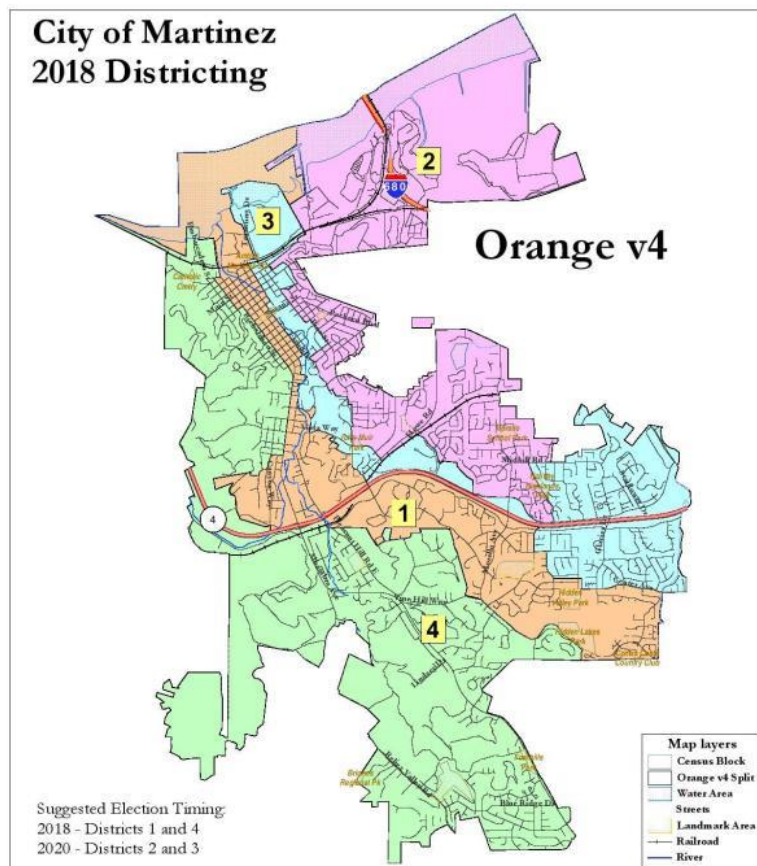
Judge may force Martinez to change its City Council districts; lawsuit headed to trial

Maps border on 'self-parody,' wrote Judge Treat

By [Nate Gartrell](#) | ngartrell@bayareanewsgroup.com | Bay Area News Group

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MARTINEZ — The maps that determine who votes for each member of the Martinez City Council except for mayor may be in for a shakeup.



Next month, Judge Charles Treat will rule on a lawsuit by Martinez resident Felix Sanchez alleging the city's council district map — enacted in 2018 — violates the state elections code. The suit accuses Martinez city officials of drawing up a gerrymandered map with the sole purpose of sparing any of the four council members from having to run against each other. The city's mayor isn't affected by the map because that position is elected at large.

One fact oft-cited by the lawsuit's supporters is that two councilwoman — Lara DeLaney and Noralea Gipner — both list residences on the same block of Castro Street, yet each was given her own district. Council members, meanwhile, have said their main goals were to give everyone a piece of downtown and to ensure that minorities are evenly represented throughout the city.

While Treat is not expected to rule until next month, he has signaled what he thinks about the current district map.

In a May ruling dismissing a city motion to throw out the lawsuit, Treat compared the city's map to an infamous Massachusetts district of 1812, drawn by then-Gov. Elbridge Gerry, which was widely panned as an attempt to keep Gerry's own political party in power. The term "gerrymandering" was derived from Gerry's name.

"Bluntly, the map verges on self-parody" and flouts state elections code requiring council members to consider "cohesiveness, contiguity, integrity, and compactness" when drawing up districts, Treat added then.

The city switched to district council elections in 2018 after receiving a letter from Malibu-based attorney Kevin Shenkman, who is also representing Sanchez in the gerrymandering suit.

[Shenkman said at the time](#) he was acting primarily in the interest of giving Latinos more say in local elections, something Vice Mayor Mike Ross said council members took into consideration when drawing up the map.

"We split up the districts because Latino households are spread out throughout Martinez; we're a diverse city and our diversity is diverse," Ross said in an interview Tuesday. "That was our main concern. And, yes, it did kinda match up with not undoing the voters' will and kicking council members off the council. To just decide, 'Well their votes didn't count so I'm just going to kick myself off the council,' didn't seem like the right way to go."

Ross added that the district map gives every council member a piece of downtown, which he said was modeled after the city of Pasadena's map.

Mayor Rob Schroder declined to comment, saying the city's outside counsel has advised officials not to do so the suit is unresolved.

In his arguments before Judge Treat, Shenkman has cited a piece of the state's elections code that lists factors cities "shall or may" consider when drawing up district maps. They include compactness, geography, population equality, communities of interest, and compliance with federal and state voting rights laws.

"It does not say the residences of incumbents shall or may be considered," Shenkman said in a recent interview. "The voters are supposed to choose their representatives. The representatives aren't supposed to choose their voters."

Proponents of the lawsuit have also pointed to a comment Ross made in the January 2018 meeting when the maps were adopted. Ross suggested that the council wouldn't adopt a map that forced anyone on the council to run against each other.

"If any reasonable person thinks that we're gonna sit up here and choose a map that basically takes ourselves out of office ... God bless you, you can have that as your choice," Ross said in a January 2018 meeting. "But I think most people would not expect us — conflict of an interest as

it may seem — would probably think that if you're that stupid you probably shouldn't be on council, if you're gonna accept a map that doesn't include you."

The map undoubtedly played a role in the November 2018 council election, where incumbent Councilwoman Debbie McKillop [beat challenger John Stevens by a razor-thin 24 votes](#). Even a slight shift in McKillop's region — District 4 — likely would have either widened her margin of victory or flipped the outcome of the race.

Helen Grieco, an organizer for the Washington, D.C., watchdog group Common Cause, is among those pushing for a new district map. She said a group of supporters met with city officials last year and offered to withdraw the lawsuit if a new map was drawn.

"Our argument was, let's just do this with an independent commission ... and they stonewalled us," Grieco said. "So they were offered a perfectly viable solution, and instead they decided, 'We're going to court.'"

Ross said he was aware of Common Core's offer, and wasn't opposed to it.

Regardless of what Treat rules, the council will have to draw up a new district map after the results of the 2020 census, Ross said.

"To put people in potentially three different districts in less than four years does not help democracy," Ross said.

Associated Press

California governor proposes new plan for managing water

By ADAM BEAM

February 5, 2020

SACRAMENTO, Calif. (AP) — California’s governor revealed a plan on Tuesday that would keep more water in the fragile San Joaquin River Delta while restoring 60,000 acres of habitat for endangered species and generating more than \$5 billion in new funding for environmental improvements.

The framework announced Tuesday by Gov. Gavin Newsom is a unique approach to managing the state’s scarce water resources. Historically, California has governed water usage by issuing rules — rules that are often challenged in court by farmers or environmental groups.

Those lawsuits can drag on for years and prevent programs designed to boost sagging salmon populations and other threatened species that live in the delta.

Instead of issuing new rules, for the past year the Newsom administration has been negotiating with water agencies to come up with “voluntary agreements” between the two sides with “partnership and oversight from environmental groups.”

“Today, my Administration is proposing a path forward, one that will move past the old water binaries and set us up for a secure and prosperous water future,” Newsom wrote in an op-ed announcing the framework.

But some environmental groups were skeptical. Last year, the Trump administration announced new rules that would take more water out of the delta. The Newsom administration said it would sue the federal government over those rules, but so far it has not done so.

Also, John McManus, president of the Golden State Salmon Association said, the framework did not address temperature controls for the river at the time of year when salmon need cold water to survive.

“There are definitely worrisome signals coming from today’s announcement,” McManus said,

Wade Crowfoot, secretary for the California Natural Resources Agency, said the state is still negotiating with the federal government and can still file a lawsuit if their concerns are not addressed. He stressed the goal is to continue working with federal agencies to resolve the issue.

The agreements would be in place for the next 15 years. But they are not finished yet. Both sides still have to finish policy and legal issues. Plus, the State Water board must conduct a third-party scientific review.

“This is a promising step that will result in additional water for the environment,” said Jeffrey Kightlinger, general manager of the Metropolitan Water District of Southern California. “A shared, voluntary approach to balancing the beneficial uses of water from the Sierra is far better for California’s people and environment than years of litigation.”

Water in the delta comes from snowmelt in the Sierra Nevada mountains and provides drinking water for millions of people as well as irrigation for farmers throughout the state.

The framework would increase the amount of water flowing through the delta by up to 900,000 acre feet in years when conditions are dry, below normal or above normal. One acre foot of water (43,560 cubic feet) is more than 325,000 gallons, the amount of irrigation water that would cover one acre to a depth of one foot.

Additional flows would be less during wet years.

More water means a better environment for the state’s endangered salmon population, whose numbers have reached dangerously low levels. The framework would also restore more than 60,000 acres of habitat for some of the delta’s species by strategically letting rivers flow through their natural flood plain to create wetlands.

The idea, according to California Department of Fish and Wildlife Director Chuck Bonham, is for the wetlands to attract more bugs, which the salmon will eat and grow larger, making it more likely they will return to breed.

“I am committing to achieving a doubling of California’s salmon population by 2050,” Newsom wrote. “These agreements will be foundational to meeting that goal.”

Tom Birmingham, general manager of the Westlands Water District, said previous water rules have focused strictly on providing more water for fish.

“Unless we address all of the factors that limit the abundance of those species, we’re never going to be successful,” he said.

Los Angeles Times

Newsom administration trying again for a river flow deal

By [Bettina Boxall](#) Staff Writer

Feb. 5, 2020

5 AM

The Newsom administration Tuesday floated a proposal to avert a protracted legal battle over new state standards that would make some of California's biggest water users cut their river diversions to help struggling fish populations.

State officials see a settlement as the linchpin of administration [water policies that have been bogged down](#) in the perennial conflicts over the Sacramento-San Joaquin Delta, a source of water for much of California and home to some of its most threatened native fish.

"These agreements ... will significantly increase the required amount of water flowing through rivers and the delta," Gov. Gavin Newsom said in [a Cal Matters op-ed](#) published Tuesday afternoon. "They require a historic addition of 60,000 acres of critical habitat."

He added: "My administration is proposing a path forward, one that will move past the old water binaries and set us up for a secure and prosperous water future."

It was unclear if key water players would follow the path.

The plan expands on an earlier settlement blueprint that was roundly denounced by environmental and fishing groups. At least some of them remained unimpressed with the latest version. Most of the big farm districts that have sued to block the new state flow requirements were silent.

Jeffrey Kightlinger, general manager of the Metropolitan Water District of Southern California — the biggest urban user of delta supplies — called it "a promising step," adding that "more work lies ahead."

Looming in the background is the fight over the Trump administration rollbacks of federal endangered species protections for imperiled delta fish. The Newsom administration announced last fall that it would sue to block the rollbacks but has yet to do so.

"While we are committed to collaborating with the federal government where we can ... we will continue to utilize every tool at our disposal — including legal action — to ensure the federal government fulfills its obligation" to protect the environment, Newsom said.

The new proposal provides more fish flows than the first draft, but the volume is still less than required under new state rules adopted at the end of the Brown administration.

And the state rules in turn require significantly lower flows than scientists have said is necessary to partially restore salmon runs that have all but vanished on many rivers in Central and Northern California.

Those rules, [adopted by the State Water Resources Control Board in late 2018](#), were seen as the beginning of a historic attempt to make cities and farms take less water from the heavily tapped river systems that feed the delta, as well as the delta itself.

Not only would leaving more water in rivers improve water quality and help struggling fish populations, it would also send more flow through the delta, which is part of the West Coast's largest estuary.

The state board made it known that it was open to a settlement with water users to avoid years of court battles. The Brown administration began settlement talks months before the board vote, crafting a proposal that the Newsom administration has now revised.

The changes have not mollified critics.

"From what we can tell, this deal is built on quicksand instead of credible science," said Rachel Zwillinger, water policy adviser of Defenders of Wildlife, an environmental group that took part in earlier settlement talks.

"When negotiating a deal, an essential ingredient of any successful compromise is that it meets existing environmental protection laws," she said. "This deal will not and therefore will fail."

Zwillinger complained that the proposal appeared to let delta pumpers largely off the hook for greater flows, clearing the way for the increased exports that the Trump rollbacks would allow.

Two conservation groups, American Rivers and the Environmental Defense Fund, said they were encouraged by the state proposal but stopped short of fully endorsing it.

Department of Water Resources Director Karla Nemeth said delta exports by the State Water Project, which supplies the Metropolitan Water District, would be the same or less as they are now.

The settlement would over many years increase flows in delta tributaries and the estuary by 800,000 to 900,000 acre feet compared to current average conditions, state officials said.

That would be achieved through a variety of measures. Some diversions would be cut. A new fee on water users, as well as state money, would be used to fund water purchases for the environment. New projects, such as groundwater recharge, would also be funded to free up surface water supplies.

All told, the deal calls for more than \$5 billion in spending on habitat improvements, water purchases and land fallowing over a 15-year period. State taxpayers would provide 42% of that, water users 44% and the federal government 14%.

While the flows are less than those mandated by the state board, the deal calls for more habitat restoration, officials noted.

“We are confident that this is scientifically adequate,” Natural Resources Secretary Wade Crowfoot said.

East Bay Times

Pleasant Hill promises money to build affordable senior housing project

By [Annie Sciacca](#) | asciaccia@bayareanewsgroup.com | Bay Area News Group

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PLEASANT HILL — A plan to add dozens of affordable homes for seniors to the city's housing stock is a step closer to fruition this week after the the City Council agreed to commit \$2.24 million to help build the units.

The City Council voted unanimously to give a commitment letter signaling its intent to provide funding — which would be dispersed in various stages of the project — to Satellite Affordable Housing Associates, known as SAHA, to build an 82-unit housing development for low-income seniors.

According to city documents, 81 of the units would be reserved for seniors earning less than 60 percent of the area median income, while one unit would be reserved for a property manager.

SAHA is partnering with Choice in Aging, an organization that provides health care services during the day for older adults and those with dementia or Alzheimer's. The affordable housing complex is slated to be built on Choice in Aging's four-acre parcel at 490 Golf Club Road, near Diablo Valley College. Choice in Aging also plans to rebuild their campus that provides the adult services and the preschool that it opened in 2017.

"Intent for Choice in Aging is to provide wraparound services ... a whole bigger project," said vice mayor Sue Noack at the council meeting. "I am sure we will see the Choice in Aging project down the road, but this is the first piece, the housing."

The city had already approved funding to Choice in Aging — formerly called Rehabilitation Services of Northern California — for the project in 2016, according to acting city planner Troy Fujimoto. Since then, Choice in Aging has partnered with SAHA and SAHA will assume that \$236,000 forgivable loan and put it toward the housing project.

The total \$2.24 million would be dispersed in phases: two smaller amounts would be issued after SAHA gets certain approvals, and the rest of the \$1.5 million would go toward construction costs after the developer secures other financing.

The funding, which would come from the city's Low and Moderate Housing Asset Fund, will give the developer leverage to secure state and other financing, according to the resolution commitment approved by the Council.

But the project is not a done deal. Fujimoto confirmed for the council that promising the funds now does not oblige them to automatically approve the project or any official agreements. The development will undergo necessary reviews and be subject to city approvals along the way.

It also will require a lot more funding, which SAHA is seeking from the state and other sources, Fujimoto said.

Still, the Council expressed optimism for the future of the project, noting that it helps the city meet its affordable housing goals.

While a developer has submitted [plans for a 210-unit apartment building](#) on Cleaveland Road, and there is ongoing planning for single-family homes to be built as part of the redevelopment of the Pleasant Hill library and surrounding parcels, there are typically not many proposals for affordable housing in the city, as councilmember Ken Carlson noted during the meeting.

Habitat for Humanity recently acquired a parcel near the downtown [to build seven affordable townhouses](#).

“We are only given so many proposals,” Carlson said. “This is only one of a few proposals in my time on council. I think this is great opportunity across the city to meet any low income housing needs. I don’t think we can afford to pass it up.”