1. CALL TO ORDER

Vice Mayor Burks called regular City Council meeting to order at 6:30 p.m.

2. ROLL CALL

Present:  
City Council: Mayor Tatzin (arrived at 9:07 p.m.); Vice Mayor Burks, Councilmembers Anderson, Mitchell and Samson  
Capital Projects Assessment Committee: Chair Gary Huisingh, Vice Chair Ann Farrell Diemer, Bob McClain. Absent: Lee Thompson.

Staff Present:  
Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Niroop Srivatsa, Building and Planning Director; Mike Moran, Engineering and Public Works Director; Donna Feehan, Public Works Manager; Jeffrey Heyman, Communications Analyst; Mala Subramanian, City Attorney; Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Samson/Anderson) to adopt the agenda. Vote: 4-0-1 (Ayes: Burks, Anderson, Mitchell and Samson; Noes: None; Absent: Tatzin

4. PUBLIC COMMENTS

ELIZABETH HENRY, Happy Valley Road, spoke regarding the “No on Measure L” campaign, stating she believes there are other alternatives for the parcel and requested the City Council’s support in representing residents and opposing State mandates.

5. CLOSED SESSION

Recusal:  
Councilmember Samson recused himself from participating in the Closed Session matter, stating he represents a client against PG&E, receives compensation from PG&E, and he left the meeting.
The City Council convened to Closed Session to consider the following matter:

A. **Save Lafayette Trees, Michael Dawson and David Kosters v. City of Lafayette, Pacific Gas & Electric Company** Contra Costa Superior Court Case Number N17-1142

6. **REPORT FROM CLOSED SESSION**

Vice Mayor Burks announced that there was no reportable action taken in Closed Session.

**Noted Present:**
Councilmember Samson returned to the dais.

7. **PLEDGE OF ALLEGIANCE – 7:00 p.m.** – Kathy Merchant led in the Pledge of Allegiance.

8. **PUBLIC COMMENTS**

JOE DOUGHERTY said he serves as a member of the Parks, Trails and Recreation (PTR) Commission, noting the Commission studied the Deer Hill sports field matter extensively and spoke in support of addition of the sports fields and of their need.

Councilmember Mitchell asked and confirmed Mr. Dougherty was representing himself and not as a member of the PTR Commission, and added that the PTR Commission as well as all subcommittees studied the matter and that he was currently on the Trails Subcommittee, as well.

MIKE MERCHANT ceded his time to Kathy Merchant.

KATHY MERCHANT voiced sadness with untruths posted on NextDoor.com and distribution of No on Measure L campaign materials. She discussed facts she learned after touring the parcel relating to its sports use and cited traffic congestion, health concerns and school impacts and she believes the Homes at Deer Hill are a viable alternative for the developer.

VAL DAVIDSON read a letter into the record on behalf of Julie Tobias Pancost regarding the “No on Measure L” campaign.

ZENA POTUSH read a letter into the record on behalf of Laurel Stanley regarding her concerns in the handling of the “Yes on Measure L” campaign and misinformation.

PAUL MELMED read a letter into the record on behalf of Jennifer Paul regarding the need to protect hillsides and ridges as outlined the General Plan which he said guides development, and voiced concerns with the City Council’s support of Measure L.

SUVERNE GRIFFITHS read a letter into the record on behalf of Linda Riebel regarding concerns of development and related impacts to air pollution, over-crowded schools and permanent gridlock, and asked to vote “no” on Measure L.

HENRY KIM spoke regarding worsening Moraga Road traffic and his opposition to Measure L and added traffic congestion.
MARY MILES ceded her time to Michael Griffiths.

MICHAEL GRIFFITHS, President of Save Lafayette, asked for productive engagement by the City Council and for a detailed analysis of the parcel, citing the importance of future land use decisions. He believes the current proposal disregards the General Plan, City ordinances and traffic impacts and referred to James Leach’s letters regarding the hazardous location of the proposed sports fields. He also described deceptions with the Measure L mailer campaign and asked that constructive dialogue be undertaken after the election.

JODY MCCULLOUGH presented a mailer and discussed both “yes” and “no” campaigns for Measure L and arguments presented.

PETER GILLIS stated he is a property rights advocate and spoke of responsible development. He recognized the California housing crisis and said he will be voting “yes” on Measure L.

MARY PISCITELLI spoke regarding her proximity to the development site and impacts from the project, stating she will be voting “yes” on Measure L because of the need for sports fields, less traffic and better safety conditions.

BRANDT ANDERSSON, Co-Chair of Yes on Measure L campaign, thanked those Councilmembers in their endorsement of Measure L, clarified the previous 3-2 vote on downzoning of the parcel, and discussed No on Measure L ad campaign materials. He then read an email from a BAAQMD employee in response to questions regarding the Health Risk Assessment prepared in 2018 by the EIR consultant, PlaceWorks.

CAROL SINGER discussed misstatements in the No on Measure L campaign regarding redirection of students, stating she held discussions with the Superintendent regarding the capacity of Springhill Elementary School and the construction of developments which have actually yielded very few students into the District.

SUSAN CALLISTER, Treasurer, Yes on Measure L campaign, described her involvement in the campaign and the good work of the developer. She noted that the FPPC and Political Reform Act regulate campaign contributions, expenditures, and conflicts of interest, clarified that their reporting actions are consistent with the law and pointed out violations of those involved with the “No on Measure L” campaign.

LINDA MURPHY discussed Councilmembers’ rights to speak as individuals, clarified her quote she wrote to the Lamorinda Weekly and information in campaign literature and false claims against the City Council.

CHERYL MACDONALD discussed her previous request to the Council to hold a public debate, given worsening mistruths on both sides of the campaign and two flyers.

Recusal:
Councilmember Samson recused himself from participating in the next matter, stating he represents a client against PG&E and also receives compensation from PG&E.

9. STAFF REPORT
   A. Steven Falk, City Manager
Planning for Community Workshop on PG&E Matters
Recommendation: Approve or amend the process; choose date for a PG&E Issues Workshop.

City Manager Steve Falk gave the staff report and described the background and actions taken since the previous meeting wherein Vice Mayor Burks’ requested staff schedule a public workshop for the community to voice opinions and concerns regarding PG&E’s operations in Lafayette. He described concerns surrounding PG&E’s Community Pipeline Safety Initiative (CPSI) and replacement of pipeline on St. Mary’s Road, removal of trees, alleged safety concerns regarding PG&E’s operations, expenditure priorities and facts relating to pipeline integrity testing, and new State law changes regarding aggressive tree limb trimming.

He noted that Mr. Tom Guarino from PG&E was present to answer questions of the City Council and recommended the Council discuss objectives and timing of the community workshop.

Vice Mayor Burks opened the public comment period.

Public Comments:

SCOTT HONEGGER discussed concerns regarding the 12" diameter high pressure gas main which he said is 15 feet from his house, an explosion of a similar pipeline near Fresno in 2015, his communications with PG&E, inaccuracy of PG&E’s records and evidence that tree roots pose a clear and present danger to any pipeline. He asked that at least one public workshop be held and that any resident or business owner within 100 feet of a pipeline receive direct mailer notice before getting the information to PG&E.

ANN BURNS said the PG&E project on St. Mary’s Road will start next week. She indicated that very little information and notices from PG&E had been circulated about actual road closures, questioned how routine FedEx or UPS deliveries would be routed to residences and voiced concerns about the lack of safety and emergency evacuation abilities.

Councilmember Anderson asked for clarification from Ms. Burns regarding signage. He confirmed there was very little signage posted; however, current signage was located at the bottom of South Lucille, Wallaby Court and Rheem Boulevard and Ms. Burns thought a presentation and more information should have been provided by PG&E.

GINA DAWSON asked that the workshop focus on safety, given Council’s discussions. She voiced concerns with trust and credibility and for this to be regained by PG&E ahead of work being done to protect the public’s safety. She also asked for citizen participation if a subcommittee is formed which she said was discussed at the last meeting.

Councilmember Anderson asked Ms. Dawson to relay her ideas regarding the methodology for citizen satisfaction.

Ms. Dawson suggested the City secure a third party pipeline consultant who can conduct field audits and relay their findings, as well as a CPUC safety investigation which she said she was currently working on.

MICHAEL DAWSON thanked the Council for their active work on the matter, but voiced discomfort in the fact that residents and the City have been dealing with PG&E for over a year, and he thinks they are inherently mistrustful and distrustful. He cited recent information which revealed PG&E was responsible
for three fires because they have not maintained their overhead power lines per the State code. He also referred to his Public Records Act request and questioned City staff’s bias and asked for an independent citizen advisory panel and for the City to rescind the agreement with PG&E.

Councilmember Mitchell asked that Mr. and Mrs. Dawson discuss how they believe a level of trust could be created.

Mr. Dawson responded that he was not sure it could be provided but said it would take PG&E providing honest and accurate replies to questions asked and specific and factual answers.

Mrs. Dawson said the CPUC are PG&E’s regulators and they should confirm what inspections and assessments have been done, commented on misinformation of projects and spoke to their statements to “own safety” which Lafayette residents have been trying to do.

Vice Mayor Burks provided the following requests and comments:

- Requested agendizing the workshop as a “public meeting”;
- Asked that staff be directed to formally invite the CPUC in writing under his signature;
- That unedited transcripts from the meeting be sent by the City to PG&E leadership and the CPUC;
- He saw this as an opportunity for PG&E to appear before the people of Lafayette and the City Council with the objective of building public trust in the area of safety;
- The public meeting is meant to be global in nature, i.e., all things safety associated with PG&E’s operated pipeline infrastructure and not focused on any current initiative;
- The meeting is not intended in any way to be a mechanism for the City to request or direct action on the part of PG&E. It is PG&E’s responsibility to ensure the people of Lafayette are safe via their operational infrastructure;
- He is respectful of the relationship between the City and PG&E and hoped that it would remain functional and positive;
- This is an opportunity for PG&E to bring their “A Team” to the table to answer questions that will be provided to them in advance and an opportunity for PG&E to rectify what has been very uneven engagement and correspondence with the community. Residents have voiced comments that PG&E has been overwhelmingly lacking in clarity, consistency, methodology and professionalism which has led to deterioration of credibility;
- He supported the idea of developing a catalog of questions/concerns to provide to PG&E in advance to get the most out of the session;
- In terms of format, he sees the meeting in three phases: 1) PG&E Team responds to the questions and concerns; 2) allow for public comments; and 3) allow PG&E to respond, provide answers, and comment on the public comments. He sees the role of the Council as listening and observing, not directing or suggesting operational action on the part of PG&E, and to close the meeting with next steps which might be requests for future engagement, written materials, etc.; and
- Once there is consensus, he asked that staff meet with PG&E to explain expectations and ensure PG&E has time to prepare for the meeting.

Councilmember Anderson noted that comments expressed tonight included concerns relating to immediate situations and he asked for better communication by PG&E regarding the St. Mary’s Road project. He voiced concern that the summer vacation would impact the number of people in town and
he was not sure the overall timeline and scope would work. He asked that PG&E take initial steps on their own for better notification and posting for the project and that the meeting take place in the fall so the community could participate.

Councilmember Mitchell said PG&E had made comments about circulation improvements beyond just notification for the St. Mary’s Road project, and he asked if anything has been received to date.

Mr. Falk responded no information had been received, but Mr. Guarino may have information about circulation improvements in the Lamorinda area.

Tom Guarino, PG&E, stated he was not clear they would talk about St. Mary’s Road or the CPSI and was not prepared to address these. While he could not attend the last City Council meeting, he attended the Town of Moraga’s Council meeting and there were a number of measures expressed which PG&E has proposed. He said their community outreach representative, Mr. Laxson has spoken with many people and he is available to speak with residents and could provide his contact information to Ms. Burns.

Regarding people concerned about the work and safety, Mr. Guarino said if people wish to relocate to a hotel PG&E was able to accommodate them. They have also looked into shuttles and noted the public transit system is available which PG&E will cover the cost of, and he confirmed there would be no delays for emergency vehicles.

Vice Mayor Burks asked the City Attorney if the discussion was straying from the agenda topic.

City Attorney Mala Subramanian stated the agenda topic includes planning for the workshop, and she suggested not getting into too much detail as all of this will be discussed in greater detail at the workshop.

Mr. Guarino invited the public to attend the Town of Moraga’s meeting the next evening.

Councilmember Mitchell asked and confirmed with the City Attorney that it was the CPUC’s job to regulate PG&E; and asked that if the Council were to invite them whether they would attend.

Ms. Subramanian said she was not sure they would attend or not but said this does not negate the Council sending any invitation, transcripts or links to the meeting.

Councilmember Mitchell cited the importance of getting the CPUC involved, stating it is their job and they should be held accountable. If they do attend the meeting he would not want them to be ill-prepared and asked staff to provide the same questions the City was providing to PG&E so they could at least have a response prepared or state they have been asked the questions and cannot respond to be on record.

Vice Mayor Burks asked if Mr. Guarino had any comments regarding the public meeting.

Mr. Guarino said he agrees this is an opportunity for PG&E so they can demonstrate what they are doing. He agreed to bring their “A team”, said he likes having questions in advance to ensure they are researched and responded to accordingly, that their overall tone be one of collaboration and he indicated he had no issues with the proposed agenda for the meeting.
Mr. Falk commented that the City implemented a tool called “Lafayette Listens” and this has a survey component that allows freeform responses. He proposed that for the period between now and June 30 that staff add a section onto the site that asks people to relay any concerns, primarily safety related, and that they have about PG&E operations in Lafayette. Simultaneously, staff will ask residents to submit written concerns and, in early July, staff will compile a catalog of concerns.

Mr. Falk said the City Attorney suggested agendizing this to a Council meeting as a Consent Calendar item, given the matter cannot be discussed by the subcommittee. He explained that at the Council’s first meeting in July a draft catalog will be included in the packet for the Council’s review and approval.

Next steps will be to send the approved catalog of concerns to PG&E and to the CPUC so both agencies receive it in advance. In September, the Council can hold the public meeting so as to avoid the criticism of convening the meeting in the summertime while people are gone on vacation.

Councilmember Anderson supported the City Manager’s recommendations, and said over the next 3 to 4 months there will be a lot of activity with PG&E and this will be the opportunity for PG&E to provide enhanced outreach and to address concerns and inquiries.

Councilmembers supported this direction.

Mr. Falk confirmed the Council’s direction and confirmed the Council’s support for the public meeting to be held on September 10, 2018.

Mr. Guarino said their “A team” was all over the world and he agreed that September 10th would allow the time to assemble the appropriate representatives. He requested questions be sent as soon as possible or, at the minimum, 4 to 6 weeks ahead of time, and Councilmembers concurred.

The City Council concluded the matter.

Noted Present:
Councilmember Samson returned to the dais.

10. PRESENTATIONS
   A. Capital Projects Assessment Committee
      Annual Update
      Recommendation: Receive and file.

Public Works Director Mike Moran introduced CPAC members Gary Huisingh, Chair; Ann Farrell Diemer, Vice Chair; and member Bob McClain.

Chair Huisingh discussed the committee and staff’s work and focus on Lafayette streets, particularly work to improve the PCI from a score of 49 to 78. He noted that all streets will have been touched, discussed staff’s work to continue to research grants and gave a PowerPoint of the proposed projects under the CIP for next year.

Lastly, he recognized former City Engineer Tony Coe and Public Works Director Mike Moran, thanked the City Council for providing General Fund monies which contributed to getting streets back into great condition and said the committee was available to answer questions.
Councilmember Anderson referred to a chip seal which necessitated having to be redone. He asked and confirmed that the City was no longer chip sealing roads.

Councilmember Mitchell recognized the excellent work and referred to slurry seals on major streets. He asked if flaggers could accommodate the road work during peak times.

Chair Huisingh said specifications for projects with higher traffic volumes are able to address morning and afternoon peak periods and there will normally be one lane closure with one lane open for emergency vehicles and flaggers directing traffic.

Public Works Director Mike Moran added that staff will be doing work prior to having school back in session.

Vice Mayor Burks asked and received an explanation of costs for each of the projects, the bid openings and their standing based on the Engineer’s estimates, and said he hopes current bids come in near budget.

Vice Mayor Burks and Councilmembers thanked staff and the committee for their work and progress.

Noted Present:
At 9:07 p.m., Mayor Tatzin arrived and was noted present.

Mayor Tatzin presented recognition service award plaques to those members serving a minimum of 5 years on committees, and he presented a plaque to Vice Chair Ann Ferrell Diemer and Chair Huisingh for their 10 years of service.

Mayor Tatzin opened the public comment period.

Public Comments:

JIM BURNS cited completion of the road repair work was due to the efforts of the public, specifically Guy Atwood who asked former Councilmember/Mayor Carl Anduri to allocate $3 million from the City’s reserves which was approved.

ACTION: It was M/S/C (Mitchell/Anderson) to receive and file the annual update of the Capital Projects Assessment Committee. Vote: 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

Re-Arrange Agenda:
Mayor Tatzin requested the Council re-arrange the agenda to take Item 15B and 15C next.

ACTION: It was M/S/C (Burks/Mitchell) to re-arrange the agenda to next hear Council/Commission Report Items 15B and 15C. Vote: 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

15. Council/Commission Reports
   B. Steven Heinsma, Recreation Coordinator and Staff Liaison to the Youth Commission
      Recognizing Graduating Youth Commissioners Joshua Galla and Marianna Florine
      Recommendation: Receive and file.
Recreation Coordinator Steven Heinsma introduced Youth Commissioners Joshua Galla and Marianna Florine.

Youth Commissioner Joshua Galla thanked the Council for the opportunity to serve on the Youth Commission, said he served as a member since 2014, Treasurer since 2016, and also served as an Associate member prior to this time and said he enjoyed his being active in the City of Lafayette and said he will be attending St. Mary’s College majoring in Allied Health Sciences.

Mr. Heinsma said Youth Commissioner Marianna Florine could not be present tonight, but said she will be attending Sacramento State College, majoring in Biology.

A round of applause followed, and Mayor Tatzin presented each Commissioner with a plaque in recognition of their service.

C. Mayor Tatzin
   Recognizing Amy Parlett, outgoing President of Lafayette Partners in Education
   Recommendation: Receive and file.

Mayor Tatzin recognized Amy Parlett, outgoing President of Lafayette Partners in Education after having served two years. He read a portion of the Proclamation and presented her with the proclamation for her service, particularly her fundraising skills wherein she was responsible for raising $6.2 million, and a round of applause followed.

Ms. Parlett voiced appreciation for receipt of the award, recognized the work of LPI to the community and spoke of the support she received from the Executive Director of LPI, and of her learning experiences.

Mayor Tatzin opened the public comment period, and there were no speakers, and applause and photographs followed.

11. CONSENT CALENDAR
   A. City Council Minutes
      May 14, 2018
      Recommendation: Approve.
   
   B. ROW01-18 Jackson, Hanley, & Harley (Owners), R-10 Zoning: Request for the abandonment of a slope easement over three properties on El Curtola Boulevard, Gladys Court, and Saranap Avenue, APNs 185-390-040-3, 185-391-041, 185-390-042.
      Recommendation: Adopt Resolution 2018-26 authorizing the City Manager to sign the quitclaim deeds.

Convene the Planning Commission

C. HDP32-17 Miramar Homebuilders (Applicant), R-20 Zoning: Request for a Phase I Hillside Development Permit to determine the siting and massing for a proposed new 4,800 sq. ft. single-family residence located on a vacant unaddressed parcel in the Hillside Overlay District on Kim Road, APN 167-040-023.
**Recommendation:** Continue without discussion to June 11, 2018.

**Adjourn the Planning Commission**

D. **Quarterly Financial Report – 3rd Quarter FY2017/18**
   **Recommendation:** Receive and file.

E. **2018 Mandatory Review of the Conflict-of-Interest Codes**
   **Recommendation:** Direct the City Manager to review the City’s Conflict-of-Interest Code.

F. **Quitclaim of Covenant Running with the Lane, Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry**
   **Recommendation:** Authorize the City Manager to execute the quitclaim deed for recordation, quitclaiming the erroneously recorded Operations and Maintenance Agreement and Right of Entry (document number 2016-0155781).

**ACTION:** It was M/S/C (Anderson/Burks) to adopt the City Council and Planning Commission Consent Calendar Items A, B, C, D, E and F. Vote: 5-0 (Ayes: Tatzin, Burks Anderson, Mitchell, and Samson; Noes: None).

12. **PUBLIC HEARINGS**

   A. **Donna Feehan, Public Works Manager**
      1. Resolution 2018-30 Lighting District 1979-1

   Public Works Manager Donna Feehan gave the staff report and overview of the Engineer’s Report for the Core Area Lighting District 1979-1, spoke of coverage areas for maintenance, and transfers from the General Fund to the Core Area Fund to cover remaining balances.

   Vice Mayor Burks voiced concerns over the growing cost differences to cover the balance and the Council’s continuance to have to pay the difference from the General Fund. He asked staff to look at ways to shave other programs to offset some of the cost.

   Mayor Tatzin commented this is identified in the draft budget as well as others which are areas where the City now has responsibilities for costs for which it is not reimbursed. Of those, this cost is not the biggest and the Council will discuss this at budget hearings.

   Councilmember Mitchell discussed previous discussions to cut costs, stated it seemed as if costs have gone up substantially, and asked if the City was running a $100,000 annual gap.

   Ms. Feehan commented that costs have stayed stable even given additional inventory of maintenance. At times, the City does not spend the full budgeted amount and costs have been cut by $50,000 directly to the Core Area and another time costs were spread over the Public Works budgets. She cited low wages and difficulties in retaining maintenance crews as reasons for this year’s increase, said an RFP has
been developed and 5 responses were received which are under review. Staff is encouraging the contractors to consider paying higher wages in order to retain a full maintenance crew.

The public hearing was opened. There were no public comments, and the public hearing was closed.


Public Works Manager Donna Feehan gave the staff report, stating as opposed to the previous item there is a balance of $150,000 and assessments cover the expenses of this district.

The public hearing was opened. There were no public comments, and the public hearing was closed.


13. OLD BUSINESS
   A. Mayor Tatzin
      Update on AB2923 Transit-Oriented Development (TOD) Guidelines for BART Owned Land
      Recommendation: Discuss and direct.

Mayor Tatzin provided the following background and update:

- The City had sent a letter in opposition to AB2923 and held a meeting with Assemblymember Grayson who said he would set up a meeting and a representative from the BART TOD office.
- The tentative date for the meeting is June 14 at 2:15 p.m.
- In the interim, ABAG and MTC have reviewed the bill with their legislative committee and take a support with amendments position.
- Amendments are before the Council regarding focusing the bill on BART owned property.
- The MTC recommendations were to limit BART standards as to density and parking.
- Lafayette would be considered a “neighborhood town center area” so residential parking of one space per unit, 5 story minimum, 75 units/acre developments as a minimum.
- MTC is asking BART to replace parking they remove for at least a one for one basis, limit the bill to land BART already owns or adjacent parcels where “adjacent” has not been fully defined, and a special provision for end of line stations.
- Concerns Lafayette has remain supported by MTC, and as of this afternoon, the authors have not accepted amendments so the bill continues in its current form whereby BART could acquire new property within one-half acre, develop at minimum standards and do so in BART stations in Contra Costa and Alameda Counties.
Mayor Tatzin said he guessed the bill would pass and the question is what position to take. He asked if the Council should focus on certain amendments that would make it more palatable, retain their current position of opposing or something different, and the Council can again discuss this at its June 11 meeting.

The Council voiced the following comments and questions:

- (Samson) asked and confirmed that the bill’s authors have not accepted amendments of the bill.
- (Burks) asked and confirmed with Ms. Srivatsa:
  - The Assembly must act on the bill by June 1st. It then goes to the Senate starting on Monday and they have until September, but authors of the bill can amend or withdraw the bill at this time and are still in control of the bill.
  - She believes it is worth speaking with the authors to ask for amendments.
  - The League of California Cities does not believe there will be substantive changes.
  - There are 48 cities which already have the minimum densities which are in the BART TOD standards, so there does not seem to be a lot of opposition at the moment.
- (Burks) commented that he firmly opposes provisions of the bill for this type of development in the current location and asked if the City could travel to Sacramento to lobby and come up with a strategy and do as much as they can.
- (Tatzin) said he expects their Assemblymember and Senator will oppose the bill in its current form; however, Assemblymember Grayson representing Concord is a co-sponsor of the bill. He referred to the AB 827 proceedings where it was stated these are desirable goals but they could not support the bill, but in Los Angeles, it would be the opposite and did not believe Lafayette had the “clout”. The bill has been crafted to truly affect three counties in the Bay Area and within that, only certain cities.
- (Anderson) voiced support for coming up with a strategy, but sensed the City has been out-maneuvered on this especially relating to residential thresholds and he recognized frustrations.
- (Tatzin) stated Lafayette donates to campaigns and they could tie their donations to members of the legislature’s vote on the issue and ask the Governor to not sign it.
- (Burks) asked that as a minimum to send their letter of opposition to every member of the State Assembly and Senate.
- (Tatzin) noted that the Mayor of Berkeley is coming out in opposition of the bill and one question is whether the Council wants to be supportive of any of the things in the MTC memo which would limit this to land BART owned as of January 1, 2018.
- (Samson) thinks the proposed recommendations by MTC could mitigate some of the impacts but it does not solve the fundamental problem, and part of it are the political realities today but this does not mean they should not take a strong and principled stand and not water it down even though there might be proposals, and he supported being fundamentally opposed.

Next Steps:

- (Tatzin) supported notifying all homeowners associations and is amazed no one is present, given this is the third time the item has been agendized.
- (Mitchell) said if the Council believes they will be able to get some traction by make a support position with amendments, he was in support of this but doubted it would be effective.
- (Anderson) suggested revising the letter to indicate they remain in opposition but support amendments proposed by MTC. When they return on June 11 they could further discuss the matter.
• (Tatzin) noted categories of opposition and support, and Councilmember Anderson asked that it be “opposed unless amended”.
• (Tatzin) noted that MTC’s position was “support with amendments” and in the meantime, he agreed to reach out to Senator Glazer and Assembly member Baker’s office as to how to influence their fellow members.

14. ITEM(S) REMOVED FROM CONSENT CALENDAR - None

15. COUNCIL/COMMISSION REPORTS
   A. Councilmembers report on activities and consideration of matters a Councilmember wishes to initiate for placement on a future agenda.

Councilmember Samson stated on advice of the City Attorney, he reported that he and Councilmember Mitchell held discussions about developing the FAQ regarding the new Conflict of Interest Code to provide clarification. Their subcommittee has completed its task because the ordinance was adopted, and he and Councilmember Mitchell will work on it and bring a draft back to the Council.

Mayor Tatzin stated over the last couple of meetings the Council has had the Stanley Jazz Messengers appear and a nice concert prior to the meeting, the flute choir, and for those who attended the Concert at the Reservoir, there are many performance groups. He asked the Council to consider having music and theater groups come in and perform every other meeting once school starts. Councilmembers agreed.

   D. Mayor Tatzin and Councilmember Anderson
      Resolution 2018-34 Appointing member to the Planning Commission
      Recommendation: Discuss and direct.

Councilmember Anderson reported the subcommittee reviewed their current status and the Chair and Vice Chair sensed the need for one more member, given summer vacations to maintain their quorum. They held a good discussion of all current applications and they have two more interviews to schedule. He reported that the committee’s unanimous recommendation is that Anna Radonich be appointed to the Planning Commission.

Councilmember Mitchell cited an important feature of a candidate be supportive of Lafayette’s small town character and asked if Ms. Radonich or others understand this point of view.

Councilmember Anderson cited the list of extensive questions and understanding of Lafayette and, while they may not have significant planning experience, candidates have done research to educate themselves, and those with this experience comes with those working in the field which Ms. Radonich has been doing.

ACTION: It was M/S/C (Anderson/Tatzin) to adopt Resolution 2018-34 appointing Anna Radonich to the Planning Commission. Vote: 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

Vice Mayor Burks commended Mayor Tatzin and Councilmember Anderson for their exceptional work in appointment of Planning Commissioners.

16. WRITTEN COMMUNICATION
A. E-mail from Commissioner Kristina Sturm resigning from the Circulation Commission effective immediately.
   Recommendation: Accept with regret.

ACTION: It was M/S/C (Mitchell/Anderson) to accept with regret Kristina Sturm’s resignation from the Circulation Commission, effective immediately. Vote: 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

B. E-mail from Commissioner Joe Beck resigning from the Senior Services Commission effective June 30, 2018.
   Recommendation: Accept with regret.

ACTION: It was M/S/C (Mitchell/Anderson) to accept with regret Joe Beck’s resignation from the Senior Services Commission, effective June 30, 2018. Vote: 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

C. E-mail from Andrew Radlow, organizer for the Orinda 4th of July Parade, inviting Lafayette to participate in the Orinda 4th of July Parade.
   Recommendation: Discuss and direct staff.

Councilmembers briefly discussed logistics of organizing a vehicle, and Councilmember Anderson suggested responded by stating not this year but possibly in future years, and Councilmembers agreed.

D. Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference September 12 – 14, Long Beach
   Recommendation: Discuss and direct.

Mayor Tatzin stated current representatives are Vice Mayor Burks and Councilmember Anderson.

Councilmember Mitchell commented that he is very supportive of the League of California Cities, the work that goes into subcommittees before the conference and of people attending the workshops but not supportive at all to go there just to vote because they do not accept amendments.

ACTION: It was M/S/C (Tatzin/Anderson) to designate Vice Mayor Burks as Voting Delegate and Councilmember Anderson as Alternate for the League of California Cities Annual Conference September 12-14, Long Beach, CA. Vote: 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

17. CLOSED SESSION (Continued)

The City Council reconvened to Closed Session to consider the following matter:

A. Conference with Legal Counsel - Existing Litigation (Gov. Code 54956.9(d)(1).)
   Lori Fowler, Val Davidson, Rob Davidson, Jeanne Sommer, Scott Sommer, Avon M. Wilson and George Paul Wilson v. City of Lafayette, Case Number N-16-2322

18. REPORT FROM CLOSED SESSION

Mayor Tatzin announced that there was no reportable action taken in Closed Session.
ADJOURNMENT 10:35 p.m.

APPROVED:

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Don Tatzin, Mayor

ATTEST:

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Joanne Robbins, City Clerk