



## City of Lafayette Draft Minutes City Council

Lafayette Library and Learning Center – Community Hall  
3491 Mount Diablo Boulevard, Lafayette, California

September 10, 2018  
4:00 p.m.

### 1. CALL TO ORDER

Vice Mayor Burks called regular City Council meeting to order at 4:00 p.m.

### 2. ROLL CALL

Present: Vice Mayor Burks; Councilmembers Anderson and Mitchell

Absent: Mayor Tatzin and Councilmember Samson

Staff Present: Steven Falk, City Manager; Niroop Srivatsa, Planning & Building Director; Tracy Robinson, Administrative Services Director; Greg Wolff, Assistant Planning & Building Director; Mike Moran, Public Works & Engineering Director; Jonathan Katayanagi, Parks, Trails & Recreation Director; James Hinkamp, Transportation Planner; Sarah Allen, Senior Planner; Emily Carroll, Planning Technician; Mala Subramanian, City Attorney; Ben Alldritt, Chief of Police

### 3. ADOPTION OF AGENDA

City Attorney Mala Subramanian stated on Consent Calendar Item E the recommendation is not to receive and file but authorize execution, and she asked that the item be pulled from the Consent Calendar with this revised recommendation.

ACTION: It was M/S/C (Anderson/Mitchell) to adopt the agenda, as amended. Vote: 3-0 (Ayes: Burks, Anderson, and Mitchell; Noes: None; Absent: Tatzin and Samson).

### 4. OLD BUSINESS

#### A. Community Meeting Regarding PG&E Performance and Safety Concerns

Recommendation: Discuss and direct.

Vice Mayor Burks asked and introductions were made of the following attendees from PG&E and the California Public Utilities Commission (CPUC):

- Sumeet Singh, PG&E's Vice President of Gas Operations Portfolio Management and Engineering Organization, who is responsible for oversight of the Community Pipeline Safety Initiative
- George Karkazis, Director of Transmission and Integrity Management, who is responsible for the integrity management of the natural gas transmission system within PG&E's service territory.

- Christine Cowsert, Senior Director of Asset Management and System Operations whose role is to oversee all asset management and integrity management activities for all gas systems at PG&E
- Naveed Paydar, CPUC's News and Outreach Office
- Lee Palmer, Deputy Director for Safety Enforcement Division of CPUC and his role is Deputy Director of SED, overseeing the Office of Utility Safety which includes gas and electric utilities

Vice Mayor Burks provided a brief background and goals and objectives of the meeting. He thanked PG&E for providing responses to the 150 questions which were received last Friday and included on the City's website and in the agenda packet. He recognized the CPUC's presence as an important factor of accountability tied to PG&E's responses and he thanked representatives for being present. He said this meeting is intended to facilitate the resident's concerns with direct communication to PG&E and the CPUC. The Council will not take any position or action on these issues nor are the comments intended to limit or restrict PG&E's responsibilities.

Councilmember Mitchell disclosed that he had a telephone conversation on Saturday with Mr. Dawson.

Vice Mayor Burks reviewed meeting protocol which is to receive an opening statement from the CPUC, invite PG&E to present responses to questions and concerns submitted by the community, invite the public to comment, invite PG&E to respond to public comments and questions as appropriate and make a final statement, ask that the CPUC make a final statement, and then return for questions and comments by Councilmembers and conclude the matter by 7:00 p.m. He asked that staff forward a copy of the minutes of the meeting once approved to PG&E and the CPUC and to news media as requested, and make them available to the public on the City's website.

Councilmember Mitchell asked what the City's role is in this discussion relating to the public lands and private lands.

City Attorney Subramanian said the intent of this meeting was to discuss a variety of issues and not one particular matter. Specifically, it is not the intent to direct PG&E to do or not do anything. There are certain requirements as they relate to tree removal in which they have an existing agreement but they are not limiting or inhibiting any of PG&E's responsibilities or requirements.

Councilmember Mitchell asked if the City was looking at this differently from public versus private lands that may be impacted by the Community Pipeline Safety Initiative

Ms. Subramanian said the City does not necessarily have any ability to regulate the private lands other than the City's tree removal permit process.

Lee Palmer, Deputy Director for Safety Enforcement Division of CPUC, gave opening remarks about CPUC's assurance for compliance with safety laws and regulations and challenges itself and utilities to excellence. He said their Gas, Safety and Reliability Branch (GSRB) enforces federal and state natural gas and local petroleum regulations by ensuring California intrastate gas pipeline systems are designed, constructed, operated and maintained according to applicable safety regulations. Inspectors are trained and certified and spend over one-third of their time in the field inspecting and evaluating infrastructure. Additionally, the CPUC is audited annually to ensure they are maintaining the highest standards possible.

The core of their work is compliance and enforcement but their impact goes far beyond that. The challenges facing the state require SED to not only ensure infrastructure is safe and to code and compliant today but also to think about the future.

As California works to adapt to climate change and rapidly expanding population and they build an aging utility infrastructure, the CPUC recognizes the impacts utility safety may have on the local communities and the environment. They strive to maintain open lines of communication with local governments, private citizens and regulated utilities with the end goal of providing a safe and reliable service to the citizens of California. They are committed to safety and to mitigating impacts to consumers of safety initiatives as much as possible and he thanked the Council for the opportunity to be at the meeting and said they look forward to the discussion.

Sumeet Singh, PG&E's Vice President of Gas Operations Portfolio Management and Engineering Organization, thanked the Council for having them here tonight and said their goals are completely aligned. They take ownership of any lack of opportunities for PG&E to have additional direct and transparent communications. He spoke about the work being done by employees to ensure there is continued safety and reliability of gas and electric systems, and he said there is nothing more important than safety for citizens and communities.

Mr. Singh then spoke about pipeline safety and shared a story about the incident in San Bruno which led to 8 fatalities in September 2010. They established three pillars of their safety management framework of asset management, safety culture and process safety and looked to third party independent reviewers to stress test the programs and framework put in place. The international standard is called ISO 55001 which is for companies and industries that manage a large asset base not unlike PG&E. The framework provides a rigorous method by which they identify what assets they own, their characteristics, the geo-spatial location of assets and their condition which are key inputs to having a sound asset management process.

They operate nearly 80,000 miles of underground gas infrastructure which contain pressurized flammable natural gas which is spread out over their 72,000 square mile service territory. As part of the process, they brought in an entity from the UK called Lloyd's Register to independently validate their practices and their implementation and they were the first utility in this nation to become certified against the international asset management standard.

Their safety culture framework was issued by the American Petroleum Institute called 1173 which is a pipeline safety management standard that was put forward by a cross-functional group that consisted of the federal regulator, the state regulator and many operators at the heels of the recommendations put forward by the National Transportation Safety Board. They validated the practices against this standard and achieved the first certificate of compliance as the first operator in the U.S. in 2015.

Councilmembers Mitchell and Anderson voiced concerns with the time it was taking for introductions by PG&E and the CPUC and asked for a more truncated approach, recognizing the community would like to express their individual comments.

Vice Mayor Burks noted they have not dictated parameters and he reminded PG&E they have 150 questions submitted by the public and he suggested Mr. Singh conclude his statements.

Mr. Singh said PG&E is not perfect and this is why they are here today. They are open to suggestions and feedback and noted that many of the 150 questions focused on other things they are doing which are part of federal regulations and state code. He emphasized that when looking at federal requirements, these are the minimum pipeline safety requirements. He concluded with SB 705 which requires "each gas corporation in the State of California to develop a plan for the safe and reliable operation of its commissioned regulated gas pipeline facility and the plan shall be consistent with best practices in the gas industry and with federal pipeline safety statutes." He said some practices they have and are following exceed the regulatory requirements, which is consistent with their mission of being the safest and most reliable gas company in the nation.

Christine Cowser, Senior Director of Asset Management and System Operations echoed Mr. Singh's comments from a safety standpoint and spoke of her role in managing the safety of the PG&E system. She spoke about the philosophy of how they design and operate pipelines with the concept of layers of protection, said process safety is a rigorous approach to putting layers of protection or engineered controls in place to prevent safety issues from happening which she spoke of regarding levels of steel pipeline, coatings, easement rights, routing of pipelines, and other layers of protection that go into design.

The other piece is how they operate and maintain a pipeline which includes inspection, regular maintenance according to federal and state regulations, and an integrity management program that tells them how to manage risks of pipeline and how often to perform integrity testing. The first two layers are intended to not have any transmission pipeline failures and the last piece is their emergency response layer of protection. Their manual and automated valves are intended to shut in portions of their system if there is an unintentional release of gas.

They have 5 pipelines in Lafayette that operate in the City which serve 11,000 customers in Lafayette as well as the surrounding Lamorinda areas and they have a high level of safety in operation of these pipelines. Since the San Bruno incident, they have made significant investments in transmission system as a whole on the order of about \$10 billion since 2011. Major accomplishments include complete validation of the maximum allowable operating pressure, digitization and re-established safe operating pressures, and a GPS survey to obtain accurate information as to where their pipelines operate for a more accurate risk analysis. They have replaced a lot of pipeline, hydrostatically tested and installed many valves throughout the system.

For Lafayette and in terms of operation and maintenance, she spoke of the various types of performance measures which include twice annual leak survey detection and they have found no leaks in the City. They perform inspection and maintenance for corrosion protection and there are no issues with the Lafayette systems. They perform patrols at least quarterly and most are patrolled monthly. In high population areas they are patrolled twice monthly. They have performed a significant number of patrols since last year and the pipeline where trees are located will continue to be foot-patrolled moving forward.

They have a variety of integrity assessments focused on different types of threats to the pipeline system. They have assessed two pipelines in Lafayette in 2013 for external corrosion and found no issues. The next planned assessment will be for internal corrosion in 2019. They also perform strength testing which she described, stating remaining pipelines are scheduled to be tested over the next coming years.

There are several manual valves in the City; one is automated and planned to be installed in 2020/2021 which she displayed at the intersection of Olympic Oaks Drive and Olympic Boulevard. The valves are intended to be used if they have an unintended release of gas, but their goal is to ensure the safety of the pipeline so they never have to use their valves and they are maintained annually.

She described the following projects:

- Remediate exposed pipe this year along the Lafayette Moraga Regional Trail along with some shallow pipe to be remediated in 2019.
- Replaced a mile of pipe on St. Mary's Road over the summer and the majority of the work is complete, with a small portion of 150 feet of work that needs to happen in 2019.
- A vintage pipe replacement project planned
- A station rebuild taking place at Olympic Oaks Drive and Olympic Boulevard where the automatic valve will be installed as well as the station being rebuilt

Ms. Cowser discussed right-of-way best practices, stating for PG&E to be able to safely maintain and operate their pipelines, they must keep a clear right-of-way. She presented and described best practice examples above a pipeline.

Councilmember Anderson asked if best practices were meant to be for new development or for existing situations. He cannot imagine that someone went and cleared out all of the trees that were already there.

Ms. Cowser said yes; the intent is that when a new pipeline is installed, a right-of-way is established and they maintain and defend it over time. This is a place where PG&E has not done a good job of maintaining and defending their rights-of-way. She displayed pictures of vegetation completely obscuring where their pipeline is and this creates a safety issue. She displayed another picture of a structure sitting on top of their pipeline, or a shed. This has the potential of footings or there may be something in contact with their pipeline and this has the potential for them not being able to access their pipeline if there is a leak or issue. They recognize the examples show situations that have occurred over time, but they are trying to strike a balance between this and the best practice view.

She said they are ensuring they are checking the pipeline, the areas above their pipeline, ensure they have immediate access, want to work with customers in the community, and are removing trees and planting new trees at safe distances from the pipeline. She said they know trees are important so they ensure they are replacing those removed.

Vice Mayor Burks suggested asking that the last PG&E representative speak no more than 10 minutes and thereafter, they can take public comments.

George Karkakis, Director of Transmission and Integrity Management, said the CPSI was borne out of recognition that PG&E as a company should have been doing more, but over the last 8 years, he feels they have headed in the right direction. He noted the San Bruno tragedy made them take a hard look at their system and he spoke about their efforts in starting a High Precision GPS survey, or the Pipeline Centerline Survey where they walked all 6,000+ miles of pipeline. They performed depth measurements, looked for obstructions and generated projects to remove those and anything posing a safety concern.

They consulted with the DOT and Pipeline Informed Planning Alliance (PIPA) regarding best practices which supports a clear right-of-way enables transmission pipelines to conduct inspections, testing and maintenance.

In October 2010, it was FIMSA that issued a Building Safe Communities Building Risk in its application to local development decisions, which includes statements about keeping rights-of-way free of obstructions and encroachments. He agrees with Councilmember Anderson about new developments moving forward, but this also looks back to ensure they are employing best practices.

In addition, they performed benchmarking surveys with the American Gas Association and asked other companies what they were doing, which varies. Most limit trees and vegetation inside their right-of-way and take other approaches and this is universal to other utilities.

They also found many other operators are doing a much better job than what they were doing. PG&E also commissioned its own studies to look for the potential of tree roots to interact with pipes. They identified 53 sites they wanted to evaluate, discovered 75% of the sites experienced coating damage and 90% of the sites were within 5 feet of the pipeline. Of the 40 sites, 15 where coating was damaged also had evidence of external corrosion. Coating is a primary defense for steel pipelines and they have cathodic protection which helps reverse the natural reaction of corrosion. There was a statement to some of the questions that tree roots cause corrosion which is not the case, and they do not support that, but when there is bare steel, it can lead to corrosion which then could result in leaks.

Studies performed also found that tree roots can wrap around a pipe and cause stress to it especially during wind storms and could uproot the trees. While PG&E has not experienced this, there are other pipelines that have been struck by lightning when roots and pipelines were in close proximity to each other.

Regarding next steps, the studies recommended that additional information be gathered regarding specific attributes, such as species of trees, depth of cover over the pipeline, the actual coating type and surrounding conditions to help inform their risk ratings as well as the potential for tree, root and pipe interaction. This factors into how they developed their tree review criteria and process.

He then presented a few images as a result of their digging in San Leandro, Chico, showing root balls interacting and damaging the pipe and coating. A recent Palo Alto dig found a Chinese Elm tree which had roots interacting with the pipeline and he showed the corrosion occurring which went into 92% of the pipeline, leaving 8% of the pipeline before it would have leaked. He then displayed a pipeline in Fall River Mills where they had a large tree fall on a pipeline and he displayed the damage the roots had on the coating.

Councilmember Anderson said he would think the tree was there before the pipeline was installed. He noted that many of these pipelines have been installed in the past very close to trees and the trees have gotten quite large and now are becoming an issue for the pipe and the tree. He asked if there is now a change in understanding or practices.

Mr. Karkazis said he was unsure of the year the pipeline was installed, but they would have not installed the pipeline underneath the tree. He would agree that the tree was probably adjacent to the pipeline if it was installed after the tree was there and that PG&E did not look forward enough to realize that the

tree would grow at the time of installation. He reiterated that some of the pipes were installed back in the 1920's and these are what PG&E is trying to make right.

Mr. Karkazis said based upon best practices and third party guidance, they developed the utility standard where instead of saying the entire right-of-way, edge to edge, they divided it up into a "pipe safety zone" which is 5 feet on the either side of the pipeline, the border zone which is 5-10 feet on either side and the outer zone. In the 53-site study they did, they found 90% of the damage was in that pipe safety zone or within 5 feet of the side of the pipeline. Therefore, they focused attention here and this leads them to believe these are the most serious.

They continue to monitor trees, look for any hazards they may create and hopefully they can address those if and when they become a hazard to the pipeline. Tree by tree review is something done on every tree within 14 feet of the pipeline and he knows there has been talk of the numbers, but in 2015 in Lafayette, they reviewed more than 1,000 trees. By applying the model, they were able to significantly reduce that to 270 trees that need to be removed for safety reasons. At the community's request in the summer of 2015 they committed to doing additional work, looking at other factors and getting site-specific information. They were able to then reduce the 270 trees down to 207 trees, and this is where their current count is today.

Councilmember Anderson noted the first report the City received was that 1200 trees had to be removed which was presented by PG&E representatives in this Council Chambers. The problem he has is credibility. When PG&E indicates it must remove 1200 trees and return one year later to say it will be 272 trees, people question what happened and why would PG&E not have this number down to a bare minimum. It hurt the community and the Council here.

Mr. Karkazis lastly presented a slide showing 12 factors divided up into trees, the pipeline and actual site conditions which drives the tree-by-tree study and how they arrived at the 207 trees. It is unfortunate they began with 1,000 trees and did not do this beforehand and he thanked the community for pushing back to make them take a harder look.

Mr. Singh concluded, stating there are many questions regarding the environmental impact. He said each of the respective projects identified for tree removal they have done a site-by-site environmental assessment. They identify habitat, endangered species, and are mindful when doing the work to also be environmental stewards of how they execute work.

Vice Mayor Burks opened the public comment period.

#### Public Comments:

JAMES GRAY presented a letter dated September 7, 2018 to the City Council from the Pipeline Safety Trust regarding their mission to improve pipeline safety. They examined PG&E's record of pipeline incidents as reported by PG&E to the federal regulator responsible; the Pipeline and Hazardous Materials Safety Administration (PHMSA). According to the letter when looking at the performance of both gas transmission and gas distribution pipeline operators of a similar size, they were surprised to learn that PG&E has the highest failure rate in both categories. Also, when comparing the 10 year averages to the 5 year averages it appears failure rates are increasing rather than getting safer. They question why PG&E has the highest rates and why rates are increasing after the San Bruno incident.

He also pointed out that none of the incidents resulting in PG&E's bad track record were reported by PG&E as being caused by tree root damage. In fact, across the country there have been no gas line pipeline incidents reported to the PHMSA that were caused by tree root damage in more than 20 years. PG&E could have cut down every tree along every mile of gas transmission lines and it would not have improved their failure record.

PG&E has shown tree root damage pipe coating which exposes the underlying steel to corrosion, but the pie chart graph and the letter from the Pipeline Safety Trust shows corrosion as the least common cause of failure reported by PG&E that leads to significant incidents. For some reason, they are contemplating removing hundreds of heritage trees to address the smallest wedge in the failure analysis pie chart. If the Council is seriously concerned about pipeline safety, they should commit their resources towards doing something about the big wedges in the pie chart; the well failures, excavation damage, incorrect operations and natural forced damage, which are the significant causes and therefore, this does not warrant cutting down the City's beautiful heritage trees.

RUSS MCCANDLESS said he lives at Olympic Oaks development which has a gas transmission line adjacent to it which connects to Moraga Bike Trail. He said 8 years ago today at 4:30 a.m., he arrived at San Bruno and joined the American Red Cross and ran the disaster response for Contra Costa County until he retired two years ago. His assignment was to go to the shelter with people who had suffered the loss at 6PM the evening before to feed and comfort them. He spoke with people who lost family members, with those who lost their entire home and those who said they were running out the back door when the front door of their house was on fire.

His concern is the focus PG&E has put on trees for which there is little evidence that trees would cause the type of explosion, leak or combustion as experienced in San Bruno. PG&E has also indicated it is an issue of safety for first responders and a reason why the trees should be removed. In his experience, no fire department would ever go to an on-fire pipeline unless it was shut off first by PG&E. Lastly, PG&E referred to installing a valve at Olympic Oaks and Olympic Boulevard, and he assumed he was referring to the vault pumping station on the corner, given all documentation has indicated they will put it on private property, and there is no PG&E facility there today that would allow for a valve.

DENNIS KUZAK said he lives close to the South Lucille/St. Mary's Road intersection and was shocked when the City had signed an agreement to cut the trees, as he never related trees to gas risk as opposed to electrical line risk. He had worked for a catastrophic risk assessment company before retiring and performed probabilistic risk analysis for a variety of businesses including off-shore platforms in the Gulf of Mexico, electrical transmission distribution systems, nuclear power plants, thermal power plants, hydro-plants, insurance and re-insurance companies. While not an expert on pipelines, per se, he has knowledge of techniques practiced in the industry today. His concern is trying to relate the tree risk to justify cutting them down and he specifically would like the answer and has asked for the total estimated probability of loss along the lines in Lafayette.

Secondly, he asked to know the percent contribution to that loss on an annual basis from the trees. He would like to know how big or small the trees are as players in this. Once they know this probability of loss, he asked what mitigation techniques are available to reduce that risk. He advocated for automatic shut-off valves because they have the ability to take care of human error provided they are well maintained.



Lastly, PG&E has stated trees are a problem. At the same time, they said to trust them and that the pipeline is safe. There are mixed messages and this is a trust issue. He was pleased to hear PG&E's talk about roots and he complimented them on this, but the way forward is to do some quantifiable risk assessment. In reviewing their literature, PG&E has an enterprising risk management system in place which, when techniques are used, will help them get there. Some weightings identified are not relevant to Lafayette, and he asked that the study be limited only to Lafayette and tailored to the age of the pipelines and the trees at risk so people will really know what the risk is. Residents deserve to know this and he asked that PG&E be as transparent as possible. He did not believe PG&E were the experts and that people would follow 'blindly over the cliff'. The community is interested in this problem and wants real answers.

ALYSE PELLEGRINI read a letter from husband Damon Pellegrini who is a Fire Captain with San Ramon Valley Fire Protection District, representing himself as a resident. He responded to many natural gas leaks in his 22 year career from small distribution lines to larger commercial lines. His concern is that PG&E wants to cut down their oldest trees to provide first responders emergency access to the leak or fire on or near the natural gas line. He said his crews do not go to the exact location of the breach of the pipe and he described his response based upon policies and procedures of his fire district.

Responding to a breach of a residential home from a ¾ inch natural gas line per operations, they are to evacuate the residence affected, evacuate the home to the left and to the right of the leak and on some occasions the home in the rear. He should have their engineer facing engine out and up-lined 150 feet. Next, isolate the area using yellow tape and deny entry by the public and vehicles. They do not stop the gas leak but wait for PG&E to shut off the gas or fix the pipe. She then described response to a commercial natural gas line.

In conclusion, PG&E's argument of removing these beautiful trees to allow access to first responders has no merit. His job as a first responder is to evacuate, isolate and deny entry of the public to the incident. It is his opinion that PG&E at a minimum needs automatic shut-off valves and to keep residents safe, put a new natural gas line down the middle of the bike trail made of modern pipe material that moves with the earth and not the old steel pipe they are waiting to fail.

KIM OVERAA ceded her time to Alison Hill.

ALISON HILL said she lives within a few hundred feet of the Lafayette Moraga Trail and PG&E gas pipeline. She regularly walks on the trail and enjoys shade provided by the many trees. She is concerned about tree removal given climate change, safety of the pipeline and its proximity to her neighborhood and has not read anything that trees pose a danger. The age of the pipeline, pipeline location mapping and location of shut-off valves and testing of the pipeline concern her.

She also lives two blocks from the exposed pipeline near Beachwood Drive and she recalls it has been exposed for at least 49 years and only recently has been noticed. Since the San Bruno incident and with increased use of terrorism and caution, she has become increasingly concerned. In the document she received at the PG&E Open House, it was stated that would be addressed in 2017/18 and she learned it is now 2018/19. She attended the PG&E Open House on May 9 hoping to get answers but was not able to from the many representatives present. Finally, Councilmember Anderson noticed she was upset and he tried, and finally she was directed to write down her questions and receive a response later. She had asked to get a map of which trees were in question, and she was told initially that the City would not allow that, and later was told by Councilmember Anderson that was not the case.

She received an acknowledgement of her question two days later but still no answers. When she had not received a response by May 25 she wrote again and added a question about location of shut-off valves in the area and on May 29 she received a response regarding her question about shut-off valves and a statement that she would soon receive information about pipeline testing and maintenance, but has not yet received that information and can only assume there has been no testing or records are not adequate.

She was reminded of the safety concerns when she was riding her bike and smelled gas. When she rounded the corner, EBMUD and PG&E trucks were busy working and as the day progressed and she had no gas, she tried to find out what was happening, and it appeared that EBMUD had cut through the PG&E gas line to her house. EBMUD also added the pipe was not located where it should have been on the map but below the water line. She urged the Council, staff and PG&E to set aside the current tree removal plan and to concentrate on real safety issues and answering residents' specific questions regarding inspections and shut-off valves.

JOHN KIEFER ceded his time to Michael Dawson.

MICHAEL DAWSON stated he believes the 3 minute speaker time is inadequate to respond to PG&E's answers nor was it the right format. Some of the answers to the 150 questions were helpful but many were cut and paste from pre-canned answers and read like brochures. For this reason and the fact that they have only 10 days to review 1700 pages, he asked for a future discussion on this topic. They also formally ask PG&E to voluntarily release the City from the tree-cutting agreement and begin a citizen advisory committee in Lafayette to work with citizens, the City and the utility together; the three-legged stool.

Lafayette residents have lost trust in PG&E. This utility has pursued a \$500 million project across the state that preys on each city's assumption that what PG&E says must be true. Even the City of Lafayette was led to falsely believe this agreement was necessary to protect the safety of its residents. This is shameful behavior by PG&E. But, it is also predictable behavior from the utility that was found cop able for the North Bay fires recently and then spent millions of dollars on ads blaming climate change. Deflection is apparently hard-baked into their business model.

This Community Pipeline Safety Initiative is an unregulated and unnecessary program and not required by law. Six years after its roll out, PG&E has not improved their pipeline safety one bit, but of course, trees are not causing accidents on transmission pipelines because PG&E has confirmed there has never been an accident by a tree which was Question 2.7.

The many root studies PG&E's commissioned that show roots cause erosion are all uniformly inconclusive. Time and time again they could not make the connection. Regarding the damage on pipeline coatings, PG&E does not mention that all coatings on pipelines disband and fail, not just where there are roots. The photographs of roots that are coating around the pipeline are emotional scare tactics. They do not show the untouched interiors of the pipeline where it's important. It is possible roots may even be like cans securing the pipe into the soil, and shielding from other sources of damage like rocks and dig in's. They have made this point in the past.

Regarding PG&E's main rationale for immediate access to the pipeline the first responders in Lafayette clearly state that trees are not a hazard or a hindrance. PG&E must believe that too; otherwise, they

would not allow this large permanent trellis that lines Plaza Park. It lies directly on top of the pipeline. They say the ornamental trees behind the trellis must go because they need immediate access to the pipeline, but not the trellis as they can work around it. In Question 59, answers describing the careful analysis for this decision were given, but erroneously PG&E says there is grass on either side, which is not true. This logic and confusion about the site makes people lose trust in PG&E.

When they question PG&E about rationale about a tree program that is not required by law or regulation, PG&E says not to worry; it is doing everything it should and it is going above and beyond. In 12 of their responses, they use the term "leveraging industry's best practices". If this were the case, PG&E should have the best safety record.

He would appreciate PG&E's response to the following: Unfortunately, PG&E has the dubious honor of having the very worst accident record in the United States. This data is from the PHMSA Safety Administration and is confirmed by the Pipeline Safety Trust. Whether they look at 10 year averages or 5 year averages, PG&E has more significant instance per mile on their gas transmission line than any other large provider. PG&E claims they want to be the safest pipeline in the country but almost exactly 8 years after San Bruno and a solid 6 years since the start of the CPSI program, this report card gets them a solid F. It is not California population density that is causing the problem with these instances. Southern California Gas has less than half the instance rate than PG&E so something else must be going on.

He noted a similar story holds for distribution lines, but there are just larger numbers of accidents. Regarding the cause of the accidents he pointed to a pie chart which shows PG&E's instance over the past 5 years. The blue slide is 40% of the accidents which is due to excavation or people digging into the line. Other U.S. transmission pipeline operators do not have that same kind of problem. In Lafayette, they are seeing it themselves. They had 27 such accidents in the last 2 years alone. PG&E often talks about their pride in having a rate of incidents per 811 tickets. It seems like the record is improving but it is not and nothing could be further from the truth.

Personally, Mr. Dawson said he had an incident last month where he was walking on the trail and a guy was jackhammering the side of the embankment where I knew the pipeline was. I asked him what he was doing and he said he was looking for the pipeline. He was running a line to the house behind him, and when he was walking away, he turned to his friend next to him and asked him whether the pipeline was 12 or 22 feet from the marker.

Lastly, excavations in San Bruno are extremely high and are getting higher. There is equipment failure and incorrect operation which were also getting higher. Therefore, the focus on trees was the wrong place to look. He thinks they need to talk about what is happening in their community and the only way to do that was to stop the tree cutting agreement and for the utility, citizens and the City to start working together.

GLEN CASS ceded his time to Gina Dawson.

GINA DAWSON said when PG&E came to Lafayette with the CPSI, people would think it would be about their community and about pipeline safety, but after over a year, residents waited for answers. They finally have some answers to questions and they extrapolated what they could. What jumped out immediately is that 60% of the Lafayette pipeline has not been tested by any means. There are 11 miles of PG&E gas transmission pipelines. More than have has not been tested either by hydrostatic pressure

testing, by direct access testing or by in-line inspection. These pipelines have been installed since 1940, so to tell people that the CPSI is about safety when they have not tested the pipelines is unacceptable, neglectful and disrespectful to the community.

She also highlighted that common sense tells her that dig ins are a problem in the community as well as PG&E's main problem. They are most likely on distribution lines but this has not been clarified by PG&E. Over the past two years there have been 27 dig in's. Worse than that, at least 50% of these had a valid USA ticket which means people call the 8-1-1 number to get verified it is safe to dig. In Carmel several years ago, there was a PG&E dig in for a neighborhood under an 8-1-1 ticket where a home exploded. The cause was because PG&E did not have the correct records, which is scary and she asked what PG&E is doing about this.

Other concerns is the lack of historic records which are important in terms of how to calculate how they maintain and operate the pipeline, and while she is not an expert, this information needs to be clarified. There are multiple exposed pipelines and not just the one being addressed which was pointed out. People would like to know where these are and what is being done about them. The other thing is that PG&E plans to get to these things and then plans change. Some reasons are because there is new technology and new ways to inspect pipelines, but this will take quite a few years. PG&E also indicates this depends on the ratepayers, and she asked what this has to do with addressing safety problems in Lafayette. If there are safety issues to be addressed, it does not matter who pays for it as PG&E is a billion dollar company and very profitable. They have lots of liability and they are facing different things, but this is neglect of basic integrity management.

In talking about trees, this seems very secondary and it should not even be on the table. She has a paper on integrity issues of the CPSI and she distributed it to the Council, stating it is an inconsistent program. Residents and cities are being treated differently. Trees seem to be held to different standards and she noted some residents in Danville fighting the initiative got a "pass". Another person in Palo Alto's tree roots were 2 feet above the pipeline. From what the woman told her, PG&E would not tell her what they found and she was treated like a bystander and had to be moved out of her home.

She said residents want to work together and she supported an advisory panel, and she wants to present the Community Integrity and Management Program, a Lafayette community-specific look with integrity management in town specifically to their pipelines. They want to identify risks, evaluate and rank them, figure out how they will be addressed, inform the community and she asked to let people be part of that. She concluded stating one of the ways to rebuild trust for PG&E is for PG&E to release the City from this agreement, because the City Council and community were not informed.

MARY FUCHS ceded her time to Claire Sebree.

CLAIRE SEBREE said she is a student at Campolindo High School and lives in Lafayette. She said her life has been guided by an infinitely large set of invisible rules and she would like to know who dictated these and why. After learning about government and how it functions in third grade, she wrote a letter to President Obama with ideas about how they should simply "melt all the snow on the east coast and send it to California to fix the drought." When she received a letter back weeks later, she was overjoyed.

She has continued to participate in political activism since that letter to the White House. She has taken leadership positions in her academic and surrounding community and she is unafraid to speak her mind

and take charge when problems arise. She is pre-registered to vote because she wants her voice to be heard as soon as possible. She spoke once before when the issue regarding trees first arose, and unfortunately she has to speak about it again. She should not have to come here on a school night with homework, college applications, club meetings and three tests to study for. She should not have to hand out letters from experts who really should be here right not but they were not allowed to be in this meeting and speak. She should not have to look up what an easement is, decipher the legal language on her own home's title insurance papers and wonder why the City entered into an agreement with a company allowing them into homes they might not have the right to. She should not have to stand here and explain why facts matter, why research matters, and why statistics matter. The environment matters and we must continue to advocate for its protection to combat hundreds of years of human negligence.

This starts at the hands of ordinary people and extraordinary corporations and in places like Lafayette and beyond. We are here because we recognize the power of holding elected officials and corporations accountable. We are here asking once again that politicians elected by us and for us have our best interests and the environment at heart. The local politicians in the district and throughout California have been doing a great job. Representative Mark DeSaulnier and Assemblywoman Baker in particular have been working to pass legislation to help the environment and preserve it for future generations. Governor Brown just signed a law blocking a vast amount of off-shore drilling, and people are asking the Council to stand in solidarity with fellow California politicians on both sides of the aisle. Their jobs are what they ran for and were elected for and the agreement between you and your constituents that you will make difficult decisions to the best of your ability. PG&E's remarks throughout this meeting show they claim to feel the same. The least the Council can do is work with their constituents or family to develop a safe, fact-based plan for the pipeline, heritage oaks and this town.

John Muir once said, "God has cared for these trees. Save them from drought, disease, avalanches, and 1,000 tempest and floods", but he cannot save them from fools. She said the City cannot act the fool.

DEBORAH CALLISTER said she has witnessed the development of Lafayette trees along trails for over 40 years. Many of the trees, as Councilmember Anderson noted, pre-date the gas pipeline. She has a background in biology, native plants, collaborative learning, third party conflict resolution and contemporary rhetorical theory and criticism. Her goal is to convince you there is a better way to deal with this controversy. We all have common goals and want to live and prosper in safe communities. PG&E is suffering from a credibility problem. Most here do not buy the tree cutting program masquerading as public safety. People are not interested in a program that features trees as scapegoats to purify or assuage our guilt associated with the horrific loss of life in San Bruno, for example.

The City of Lafayette's credibility is also at stake. Excluding public input by accepting PG&E's half million dollar hush money to kill protected City trees as sacrificial lambs is nothing short of gross negligence. To be fair, PG&E has misrepresented the safety risk of trees and pipelines. Residents are not interested in symbolic acts to make them feel safe. Rather, they want to expect and do expect sound safety policy, effectively implemented, to ensure the integrity of PG&E pipelines throughout the community.

If PG&E and the City of Lafayette mutually agreed to nullify the tree cutting agreement, these credibility issues could be mitigated. Stakeholders could collectively hire a reputable third party facilitator to collaboratively design a community pipeline integrity management initiative as mentioned by Ms. Dawson. A conflict resolution expert and mentor of hers once stated, "The quality of the outcome is directly related to the quality of the process." I am grateful and privileged to be able to voice her

opinion. The quality of this process is 3 minutes next format is archaic and woefully inadequate for engaging the land community.

In 2013, she published an article entitled, "Land, Community, Participation" in this peer reviewed environmental communication journal. Here is the biggest problem—the early decision to exclude the public was hegemonic. It is an oppressive form of power, a closure on the comments. There are better ways to make environmental decisions such as we've heard.

In conclusion, now would be a good time for everyone to lay down their swords (or chainsaws) and roll up our sleeves and tackle these common goals aimed at common sense solutions for land, community and pipeline safety.

KENT FICKETT, Mt. Diablo Audubon Society, said what representatives are hearing is frustration with the public process. In California there is CEQA which is used by planners to plan for large projects to ensure all issues are vetted in a proper public process by stakeholders so they can all feel they have been a part of that process so decision-makers can decide whether to issue permits to applicants. He thinks the CPUC rang a big gong in San Bruno which was a great thing to do in its aftermath. He is glad to hear PG&E "drank the lemonade" on the safety issue and the importance to get the pipeline back in its right shape.

However, when listening to all of these plans PG&E has in Moraga, Briones Park, the Lafayette Reservoir and the City of Lafayette it is a regional infrastructure upgrade project and there should be a broad EIR process on this with the entire community so the decision-makers are not put in this spot where PG&E comes in and telling them they have an emergency exemption which is untrue and not defined as such under CEQA and in legal precedent. He made this point 14 months ago with the Council and has heard nothing back from PG&E's counsel in how they have justified they can come in and put the onus on this city that they have an exemption and do not need to go through CEQA.

If they began the CEQA process last year, they would have had all studies done and safety information, looked at alternatives like moving the pipeline which is probably what should be done, given the 70 year old infrastructure project. It should be moved to an area easy to access, safe to people and they do not need to cut a lot of trees.

In conclusion, he said PG&E does not have an emergency exemption from CEQA. The City needs to comply with state law and conduct a review under CEQA and he thinks some of the ideas about collaborating with community members, other cities and regional parks and EBMUD would also be helpful. The appearance of taking over \$500,000 from PG&E as a mitigation to sign an agreement looks like pay to play. Using large amounts of that money to go towards a road beautification project and nowhere near the pipeline where impacts take place looks bad, and he asked PG&E to clean up its act and comply with state law.

KATHLEEN HAMM said she comes at this issue rather late because of an article she recently read in the Contra Costa Times and said her major concern in the resolution of this issue is public safety. She thinks that should be the priority. She was not informed enough to know the best way to do that is, whether it involves cutting some trees which she would be in favor of, but whatever is decided is fine so long as public safety is the number one priority.

MEIL ZELIN said his property is traversed by the PG&E 191 gas transmission 8" line. The line was installed in 1947 per unknown standards of Coast County's Gas and Electric which was later purchased by PG&E. He understands that given its age and after various conversations he has had with representatives of PG&E that it may be decommissioned in the future and rerouted. If this is the case, he questioned why at this time the Council would permit a method of maintenance that is challenged by many to be of unsubstantiated benefit and clearly destructive of other public and private assets. He is concerned about safety like all residents, given his home is very close to this pipeline.

Another pertinent issue is that for various reasons residents rely heavily upon the trees that are proposed to be removed. Their house is built on a hillside, the perimeter of which slopes moderately steeply in both directions. The 5-6 large trees slated to be removed provide needed stability to those slopes. Tree replacement may restore stability though decades and hence, a risk they do not desire to take. Very large mature oak trees shade their home and without this, it will be untenably hot, requiring multiple interventions such as insulation, windows, shading, etc. and further electric costs. These could amount to substantial cost to homeowners.

Regarding aesthetics, several trees are near or exceeding 100 years contributing to aesthetic values of the property. Factoring in the thermal cooling needs and slope issues, this may result in a financial liability of perhaps \$200,000 plus to his family and it is insulting to him and others who have spoken in a similar position that for this they will be offered two, 15-gallon saplings for each tree removed.

An additional objection is the inequality of costs. Most of the consequences of tree-cutting will be noted on various publicly hilled homes, and PG&E has offered various hilly properties remediation to the City but multiple private individuals will be experiencing 100% losses to the destruction on their property. In conclusion, there should not be tree clearing for a project that may not have benefit and the City should explore options such as rerouting public rights-of-way and replacement of modern safety features, and it should be based on fair compensation and verification of parties experiencing disproportionate large costs to devaluation.

ANNETTE UNNGERMANN ceded her time to Emily Tamkin.

EMILY TAMKIN said she is a senior at Campolino High School and Co-President of their Environmental Club. She helps manage their school garden, work to establish Campolindo's recycling and compost program and serve as an intern for the Planet Bee Foundation that teaches under-privileged students in Oakland about the importance of pollinators. She worked at the Exploratorium for a year educating the San Francisco public and further members of the public about environmental protection issues.

She is very frustrated because in her 17 years in Lafayette she hopes she has made a big difference but in her next 80 years in working and fighting, she does not know if she will be able to fully nullify the amount of damage that the singular tree cutting agreement and the interaction between PG&E has with the City's trees will do and the damage it poses to citizens, environment and policy. Most importantly, she cannot ignore the precedent it is setting not only in Lafayette but in surrounding communities that may look to the City as what they have done for a model for their futures, which is truly heart-breaking.

She said she grew up in Lafayette and remembers being in the 5<sup>th</sup> grade at Happy Valley Elementary School and having the Mayor come and speak to them about his job. He said if they work hard enough and do their best throughout their entire lives they can be whoever they want to be and make a difference. However, it seems this dream has been swept under the rug as the current administration

tends to look past the fact of the matter and more at the money of the matter. The issue is not just about a few trees but an issue that sets a dangerous precedent for the behavior of a city and their cooperation with the corporation. It is about constituents asking their elected officials and the two different corporations who are supposed to be protecting public safety to stand up and make a difference.

Citizens' homes are being devalued and with them the natural integrity of Lafayette. She said citizens have heard PG&E say that tree roots have the potential to cause corrosion and questioned whether there were factual evidence or test trials to support this claim. She said CPUC's Mr. Palmer said earlier that his goal was to minimize pipeline damage down to zero and she wondered if she could get an on-the-record public comment about the fact that since the San Bruno incident, incidents have shot up with about 27 dig in's in the last year alone, and she wondered why they were targeting trees instead of looking at real issues.

She also asked to hear from PG&E about the fact that from what is seen in documentation on-line and previous evidence, there has never been an accident directly caused by a tree in the community. She also asked for a comment on the fact that people can talk all they want about public safety but the fact is that no Lafayette pipelines have ever been inspected with cup pegs which is the most reliable form of checking a pipeline for corrosion. She is not an expert on pipeline safety but was confused as to why there are no third party pipeline safety experts to comment on that. She also asked whether the 12 pipeline safety factors upon which trees are judged have to do with the pipeline itself or the aerial plane checks mentioned.

The final two points 9 and 10 of the ISO 55001 which is a standard mentioned by Mr. Singh are performance evaluation and improvement, and she asked how PG&E was looking to accomplish those last two checkpoints. In summary, in speaking for the youth of the future they will continue to fight the tree-cutting policies until each representative can honestly look her in the eye and tell her that they are working in the best interests factually of herself, her fellow constituents, students and trees.

DAVE SMITH said he heard a lot of language about working together, common ground and striking a balance and in each of these cases it goes to the idea of how to create a process by which greater collaboration can exist between the City, PG&E and residents. With this intent, he urged PG&E and the City of Lafayette to mutually stop the tree-cutting agreement from 2017. His professional experience has been in collaborative solutions and cross-sector collaboration. What he has learned through this, process does determine outcomes and if people want collaboration versus confrontation they need to think of an alternative process.

He commended and has joined the City of Lafayette Trees organization and urged the City to set up a citizen advisory group to reduce the number of pipeline safety accidents and the risk to Lafayette in protecting its natural environment. Ultimately, it is through dialogue that people are able to build trust that will yield greater collaborative solutions. Public engagement often has multiple paths, one of which is to exhaust and ultimately talk past each other. Many of these opportunities where residents only have 3 minutes at the microphone do not allow time to respond to the questions but in the end can provide other responses is more like the former. He questioned how to sit down and actually engage, listen, learn and respond which is ultimately the way to build trust. There are some great examples of this that are highlighted in a publication called Golden Governance by the Davenport Institute. It shows many best practices in this approach and the institute itself provides grants and connections to different facilitators who can actually bring people together to create a cross-sector conversation.



What is needed here is cross-sector leadership. They need to find a win/win/win and to do that, safety needs to be prioritized along with the natural environment and build trust between residents, PG&E and the City of Lafayette.

SYDNEY BAGLEY read an email sent by Mt. Diablo Sierra Club Boardmember Jim Blickenstaff and sent to the City Council: "The Sierra Club has reviewed the proposed tree-cutting plan by PG&E and City cooperation under the tree-cutting agreement and has concluded that cutting down over 200 healthy and/or mature and/or heritage trees in the Lafayette proper is not justified. The City of Lafayette would be well-advised to cancel its cooperative agreement with PG&E.

Analysis demonstrates that so-called safety is not a governance issue. The misrepresentation on the issue alone is disturbing. In fact, a case can be made that safety will actually be diminished overall for the proper running and maintenance of PG&E infrastructure, as hundreds of millions of customers' dollars are devoted/diverted to a massive Briones Lafayette tree removal project at the expense of an array of other more deserving safety matters. In fact, while tree removal may facilitate a more convenient, above-ground operation benefit for PG&E, the underground consequences of dead and rotting tree roots could actually add to future degradation of those pipes. Convenience is not justification for destroying hundreds of mature, many of which are of heritage stature of most significant environmental value. These trees are not a nuisance. They are not a danger and they are not the problem. The problem is obvious. The City of Lafayette should take the necessary steps to not be a cooperative partner in the problem. It is the Sierra Club's position that Lafayette should rescind the PG&E tree cutting/destruction agreement and reinstate the City's tree protection ordinance."

BARBARA WILLIAMS commented that much of what she wants to say has already been covered, and she thanked the Dawsons and Save Lafayette Trees for pulling together the information in a way that it makes sense to people. In observing the information that has been shared thus far, she is very nervous there is no shut-off valve anywhere near her house and it seems that the information given from the Pellegrini's about first-responders speaks to the need to have more shut-off valves.

Pipe testing is a concern and she noted the discrepancy in the PG&E slide which indicates they tested all of the pipes and other information which indicates they have not. The last item which was comical was Alison Hill's comment about an exposed pipeline for 49 years, yet there are pipeline patrols and she questioned how this occurs. Therefore, it seems that the information given does not match up which she thinks speaks to the concern that they are not dealing with all of the facts and it leads her ask that the Council stop the agreement and get together to find a way to work this through to figure out the real facts and know what is going on so 1200 trees are not removed on a whim.

LORNA LEVANTE ceded her time to Kelsey Levante.

Vice Mayor announced there was about 30 minutes left and he wants to give PG&E an opportunity to respond. He recognized it was incredibly important that people from the community have the opportunity to express their comments and concern, and he was partial to allowing public comment until 7:00 p.m. and working towards an opportunity for PG&E to respond and he questioned whether Councilmembers had any input.

Councilmember Anderson agreed and said PG&E is taking notes, and if they have an opportunity to provide a verbal response this would be suitable, but he would not expect them to answer all comments

and questions, noting that there will be another session which will allow more information to be received from PG&E about questions and more dialogue.

Councilmember Mitchell concurred.

KELSEY LEVANTE said she won the 2017 Environmental Excellence Award given by Assemblywoman Baker and she works with the previous students who spoke and are all part of the Environmental Club at Campolindo High School. She said in a time when people are bombarded by fake news and corrupt agencies, it is their job as citizens to make sure they keep organizations in check. She asked not to let ambiguous phrases like “for safety concerns” make people back down. She asked for data and evidence and asked to do research and find the truth. It is amazing to see the many people at the meeting today, seeing they are all fighting against misinformation that is being provided to the public by PG&E.

The solution that PG&E has presented is simple and poorly thought out; an over-reaction directed at the wrong source, sort of like blaming a candle that when unattended, burns down a house. She wants to make sure people are aware that a bill requiring customers to bail PG&E out for liabilities stemming from the 2017 NorCal fires is now on the Governor’s desk awaiting his signature. PG&E has issued a statement that called this bill a common-sense solution that puts the needs of wildfire victims first and protects electric customers, which is interesting.

She feels this sums up what is a destructive company Lafayette is working with here. She suggests that people pay closer attention to what is going on with this organization. Also, as citizens of Lafayette, they have put up a lot of posters that are trying to bring awareness of what is going on but they are often taken down and questioned where they went. Also, she has a group of students who are willing to spend a couple of months sitting in trees if need be. Youth are not giving up on their Earth to myopic, ignorant adults.

She also has a letter from Accu-facts which is “Accu-facts’ Evaluation of PG&E Assertions of Gas Pipelines-Safety Dangers from Trees in Lafayette, CA”. They were asked to review assertions by PG&E that trees along PG&E’s gas pipeline system within Lafayette posed a safety danger. PG&E claims the situation within their pipeline system is somehow unique and merits that pipeline rights-of-way be sterilized by widespread removal of trees under the misguided claim of safety. Accu-facts find PG&E’s claims regarding tree threats to pipelines within Lafayette, at best, disingenuous and worse, false. There are many miles of pipeline rights-of-way spanning the U.S. that contain trees. PG&E is not the only pipeline operator that has trees in their rows. Despite PG&E’s various attempts to misinform the pipeline and hazardous safety administration or PHMSA which is responsible for public pipeline safety regulations has no safety regulations prohibiting trees in pipeline rows. While there may be a few trees across the U.S. that might be a legitimate safety concern, the reality is that there are very few in number.

The bottom line is that PG&E is over-stating the risk of trees to their pipelines, especially those in Lafayette. It is her opinion that PG&E is attempting to accomplish another agenda that has little if anything to do with pipeline safety. PG&E natural gas pipelines spanning Lafayette are small diameter, lower stressed pipelines that are not likely to rupture. Even if they catastrophically break, the impact zone is small, limited by the laws of thermodynamics. The presence of trees should not hamper leak surveys, as there are technologies that can determine gas leaks through foliage, and this technology has been available for at least a couple of decades.

While she commends the citizens of Lafayette for attempting to establish meaningful constructive dialogue with PG&E, it is difficult to establish a productive relationship when a pipeline operator is so bent on not telling the truth. She advised citizens and County representatives to petition the CPUC to suspend that part of the CPSI that they have approved affecting Lafayette and similar affected communities that PG&E is attempting to use to justify tree removal. A more factual and informed public discussion needs to occur that gets to the truth concerning trees, gas pipelines and right-of-way issues, especially as they relate to Lafayette.

Accu-facts, Inc. has 4 decades of experience and provides consultation to various local, state and federal agencies, NGO's, the public and pipeline industry members on pipeline safety regulation, operation, maintenance, design and risk management with particular emphasis on operation and unusually sensitive areas of high population density or environmental sensitivity. Richard B., President of Accu-facts, Inc.

SUSAN CALLISTER said she was going to represent the Lafayette Homeowners Council, but Carol Singer will do that tonight. She thanked PG&E and CPUC representatives who were present. She noticed with the post-San Bruno incident PG&E made many changes in their upper management. In particular, they brought in Jesus Solo as Senior Vice President of Gas Operations and it looked as though he had considerable experience in Houston, as well as a man named Mel Christopher.

She appreciated comments from today's PG&E and CPUC representatives. In particular, she read one of Ms. Chapman's papers and one of the risk factors is allowing for assessing trade-offs and the three-legged stool; safety, reliability and cost. When using this to analyze the proposed tree removal program, it probably will not be something PG&E will want to do. She said there are no gas line failures that can be attributed to tree roots, nor any regulations requiring removal of tree roots for gas lines per federal regulations. She asked that the City take the \$500,000 and give it back to PG&E for the tree removal program and they work on new programs for remote shut-off valves and any other things that need to be done within the community to make the system better.

MIKE MUNNELLY presented a picture of an advertisement which is a Chevron ad as part of their People Do Care campaign. The story was that Chevron would go in and drill for gas in the wintertime when the bear was hibernating and not disturb it. They would leave and everything would be happy and the cub would run around. As people know, Chevron knew about global warming then and he said they are not the most honest company. The connection is that PG&E is running similar ads today and he thought they must have hired the same advertising company. Instead of bears they use firefighters who people love. He said it portrays that firefighters love them and what they will do is remove all of these trees, get them out of the pipeline's way and make everybody safe. People from the community who have done the research know it will not provide any benefit, as this is simply a publicity scam.

He said Californians live in earthquake country and he was fearful not of roots cracking the pipe but an earthquake shattering a 70 year old pipe. Therefore, he asked for shut-off valves. PG&E just spent time digging up St. Mary's Road and put a brand new pipeline in which is very large without a shut-off valve. In summary, PG&E is not doing the right things, are burning fossil fuels, there is climate change and he asked PG&E to clean up its act.

ROD STURM thanked PG&E and the City Council for convening and presenting today. He also personally thanked Mr. and Mrs. Dawson for their work on making the community more aware. He views the PG&E agreement to be a mistake that can be corrected through rescission. He too thought he might be

here on behalf of the Lafayette Homeowners Council but Ms. Singer will speak on their behalf. He commented that the LHC has twice unanimously approved rescission and it is difficult to get the group to agree unanimously on anything. He also is the head of litigation for one of Northern California's largest property and casualty insurers, has very deep awareness of the litigation that has occurred in San Bruno and Butt Fire and now the Northern California fires, and he speaks as a member of the community only and not in his work capacity or on behalf of his employer. He also speaks only with respect to documents that are public and the pleadings that have been filed which are available to anyone. He has reviewed many of the documents and has never seen any of them which have referenced any issues with respect to tree roots. There are real safety issues that do exist with PG&E and this should be focused upon, but this is a red herring in his view. He believes PG&E representatives here are good people and appreciates their presence. PG&E does very good work in some areas, notably diversity inclusion where they are a true corporate leader. However, when it comes to integrity and prioritizing profits, their record is not so good. He does not know of another public company that has had felony findings against it in San Bruno both before and obstruction of justice after the explosion. The reality is that credibility is low.

Cal Fire has already issued reports on all but the Tubbs fire in the northern California fires and in all of those they have found PG&E equipment to be responsible. In most they have issued notices to the District Attorney based upon negligence for further processing by them. Lastly, he believes the Council should rescind the agreement and start over in a manner that properly balances reality in the interest of PG&E and the community.

JOSEPH SHAMI said the single issue that brought him here is the cutting of trees on the Lafayette-Moraga Trail. He emphasized how important that trail is as a recreation facility to many people. He was a long-distance runner 40 years ago living in Lafayette and he heard there was a new trail only 4 ½ miles long, but he had to run it. He ran it 11 times and he bought a house near the beginning of it then, and for 40 years it has been his recreational facility. Many of his best friends he met on that trail, so it is not just a safe means of getting children safely to school but a linear park. It was transformed from a railroad bed as a way of getting children safely to school, and he believes it was the first rails to trails in the U.S.

In speaking of the past, he made 11 offers on his house and they turned them all down except the last one which was their asking price. He was in Boston alone on a subway platform and a total stranger came to him and said, "You're from Lafayette, CA and you're here to run the Boston Marathon!" He asked him how he knew and he said, "I'm from Lafayette too and I see you running all the time on the Lafayette-Moraga Trail, and I'm going to run the Boston Marathon too!" This is one of the most beautiful trails with all of its trees and he was heart-broken when he heard of the number of trees that were going to be removed, making it almost a desert. The trail is 7 ½ miles long now and he does not know if the pipeline covers all of this but even if it does, 207 trees is a lot of trees in this length. Therefore, he thinks it is worth spending the money to find a solution to get Lafayette a safe pipeline without destroying trees and the beauty of the area.

CAROL SINGER said she is speaking as the current President of the Lafayette Homeowners Council which represents 44 homeowner associations in Lafayette. She thanked the Council for holding the meeting which has been very valuable and agrees it needs to go on, possibly having a direct conversation instead of questions and this sort of format.

The LHC has written two letters to the City Council and in the interest of time she did not read the current letter, but read an excerpt from it: "We have asked that the City return the approximately \$500,000 that PG&E gave to the City as part of this agreement, an agreement that was entered into without review and input from citizens of Lafayette. Lastly, we ask that the City insist that these monies be applied to a much-needed upgrade to gas lines, provide automatic shut-off valves that work from control rooms and train personnel to improve PG&E's compliance with established safety standards. They also fully support the formation of a citizens' advisory committee as proposed by Safe Lafayette Trees this past May."

BYRNE MATHISEN echoed comments of all speakers.

JENNIFER SCHICK said when she was younger she worked as a contractor for PG&E with their electrical distribution system, looking at trees, talking with property owners and assessing risk. She knows this is not going to be a popular opinion, but she would urge her fellow citizens to consider the removal of smaller and younger trees in the gas pipeline area. Those trees will grow, change and can affect the pipes.

Regarding the older and larger trees slated to be removed, she feels the access issue has been discussed by local first-responders who made a very good argument that access is not an issue in this area. If access is not an issue, the issue is the roots to the underground system. She would like to know if PG&E is going to remove these trees as well as the root systems. If they are she questioned why not just install a new pipeline down the center of the trail if they are going to be digging up the pipeline anyway. And, if they are not going to remove the roots all they have done is change a relatively stable system. These trees absorb a lot of moisture and in the winter when it rains, they take up a lot of moisture from the soil which helps to reduce flooding. If the trees are removed, that moisture will remain in the soil and it could result in soil movement and corrosion. Therefore, she submitted that removing these trees will actually submit the City to a greater risk of damage to the existing pipeline. Therefore, she asked that PG&E release the City of Lafayette from the agreement.

ALLISON CANDELL said she is a graduate from UCLA with a degree in Environmental Science. She read a report by the independent review panel on the San Bruno explosion that was submitted to the CPUC. This report stated that as a result of the investigation, the panel concluded that the explosion of the pipeline at San Bruno was a consequence of multiple weaknesses in PG&E's management and oversight of the safety of its gas transmission system. From public comments and reports that have been shown today, especially the fact that 60% of the 70 year old pipelines have not been recently tested or at all, she is concerned that the circumstances that led to the explosion in San Bruno are occurring right now. Cutting down the trees are not going to fix these structural problems and she feels they are spending a lot of time, energy and money talking about the solution when it will not be as effective as other solutions would be. In addition, she is well versed in CEQA requirements and it makes no sense that PG&E has claimed exemption on this project.

Vice Mayor Burks thanked all speakers for their comments. He turned back to PG&E, stating there is approximately 25 minutes left and urged PG&E that if to relay any suggestions for future engagement to perhaps revisit what was stated tonight. He asked to keep 5 minutes for the CPUC to provide a statement at the end, as well.

Mr. Singh thanked the Council and residents for their passion and heartfelt comments which resonated. He said the fact that residents have expressed such sentiments it is a self-realization that PG&E needs to

show up in a different way, which was humbling in listening to comments. He said he has about 4-5 pages of notes. Several comments are included in responses they have provided and while he understands they do not touch on every single item put forward, it provides some facts regarding damage prevention and increase in failure rates over the last 5 years. In looking at these, if they are not clear they are open to discussing how best to follow up on those items. He can go back and review notes to ensure PG&E is being responsive to comments in another forum or in writing and asked for guidance from the Council and residents. Clearly, how they have engaged with the community has not "hit the mark" and they are committed to working with Lafayette.

Councilmember Mitchell said both the CPUC and PG&E have talked about engaging with the public. He wanted to focus on the CPUC first. Both talked about the three-legged stool with public input being a part of that. From a CPUC perspective, he asked how public engagement would happen and he asked what are the processes in place and how can it be applied specifically to this situation.

Mr. Palmer said at the CPUC there are many ways for the local community to get involved. One is to become part of a proceeding, one is to show up at a Commission meeting and speak on behalf of the community, and the CPUC is committed in hearing what the local community has to say because they are part of it as well. He heard a lot of passion in the room and they are nothing without their local community. Therefore, the most effective way is to take the proceeding route. The CPUC is not in the business of managing easements or rights-of-way. They take seriously the relationship that a utility the CPUC regulates has with its community and want that to be a solid relationship. If that means they attend further workshops or host further workshops, they are more than happy to take that route.

Councilmember Mitchell said in speculating that a number of people from Lafayette want to talk to the CPUC, he asked how that would happen. It might not be as effective to show up to another public meeting and asked if this was possible.

Mr. Paydar, CPUC's News and Outreach Office, said he is a local government liaison so his role is to work with the City and community members to bring feedback to the Commission to help better inform decisions moving forward. The best way to do that is through formal channels through their proceeding process.

Councilmember Mitchell asked to describe that process and specifically how the public can get involved and engaged to get a better understanding of the safety assessment which is currently being engaged by CPUC and voice questions they might have.

Mr. Paydar said they have already met with the Dawsons and this can definitely be arranged. The report is publicly available now and publicly posted. Any comments on the report can be asked of the CPUC directly and the points of contact are on the report and they will be answered. Based upon that, they welcome additional meetings as well where people can come to the Commission or the CPUC can come to the Council and maintain dialogue. If a proceeding is the route the City wishes to go then they will speak on the City's behalf to get support for that proceeding and move down that path. Their commitment is that they will continue to participate in these workshops regardless, will continue to speak on behalf of not only the backings of their General Orders but the local community as well; that they want to be here and be a part of this process.

If the City feels it has not been properly represented or engaged by the utility, it may not be 100% the utility's fault. The CPUC has a part in that as well and they will want to be part of fixing that process.

Councilmember Mitchell asked if the CPUC has a local office or is the office just in San Francisco.

Mr. Paydar said they do not have to go to San Francisco but that is the closest office to Lafayette, but they are also available on-line and he will provide his business card.

Councilmember Anderson asked if the CPUC wants to make a statement about what they have seen or heard tonight. He felt at this point they need to unbind where the City is with PG&E. The City Council and PG&E have held many meetings. It seems he remembers there is some kind of deadline or processing issue around the actual execution of the project. There was money or the expectation from the CPUC that it had to be done by a certain time. He questioned this and also suggested the first step be to release that constraint on the City to have some time to work out a better solution.

He likes the idea of a citizens' advisory committee which is something the CPUC might be willing to work with the City on. He has no problem with the City returning the mitigation monies submitted if this will help the process, but it seems that they really need to start looking at a new process for this particular situation in this City.

He also would hope the Council could agendize this for its next meeting regardless of whether representatives from PG&E and the CPUC are here just to see if there are other comments regarding the process moving forward.

Mr. Singh stated they are not asking the City to return the mitigation funds. From their perspective, this will not necessarily help the process but this is the City's decision. In regards to the deadline and other items regarding a citizens' advisory committee, they are open to continued engagement with the City as well as with the CPUC and the Safety Enforcement Division that provides the safety oversight of their pipeline system. They are committed to continuing that engagement on a path and resolution forward to ensure it meets the expectations of the Council, the CPUC and residents of Lafayette.

Regarding the deadline, Mr. Singh said initially when they promulgated the project it was envisioned as a 5-year project which commenced in 2012. Obviously, they are in Year 6 now anticipating some of the issues they need to continue to work through with some of the various cities, counties, and environmental agencies. They are committed to identifying the risk and moving forward, but mitigating that risk and they can work with the Council in regards to the timeline.

Vice Mayor Burks concluded and said he thinks the topic should be agendized for the next meeting.

Councilmember Mitchell noted he will not be present at the next Council meeting but they can still hold the meeting, not take any official action but can still meet with parties and make some progress.

Vice Mayor Burks said to allow additional public comment would be a goal. In the interim, the Council can work with staff to engage with the CPUC and PG&E on alternatives for future engagement, specifically with the CPUC.

City Attorney Subramanian said she wanted to point out that if Councilmember Mitchell was not able to attend the next meeting, there would only be two Councilmembers present and she suggested setting the follow-up meeting with PG&E and the CPUC at a time when all three Councilmembers are available.

Vice Mayor Burks closed by thanking members of PG&E and the CPUC for spending the time and for being active listeners and partners. He believes very strongly that the community and the City's relationship with both organizations need to be functional and positive. They have had very robust dialogue and comments tonight from people who have been candid. Tonight was not intended to be a silver bullet in terms of a first step or clean slate forward, but the more dialogue in different ways and formats the more progress will be made at the end of the day in the best interest of the City and public safety. Tonight was 100% about public safety and he thanked everybody and concluded the item.

Noted Present:

Mayor Tatzin and Councilmember Samson were noted present at 7:00 p.m.

**5. PLEDGE OF ALLEGIANCE – 7:00 p.m. - Led by Mayor Tatzin**

**6. PUBLIC COMMENTS**

Vice Mayor Burks said he will need to leave early tonight for a flight and he would normally discuss his comments under Councilmember Reports at the end of the meeting and provided a brief statement, stating that on August 31<sup>st</sup> he witnessed the closest near miss crash he has ever seen between a speeding motorist and a young school child on a bike after school let out at the crosswalk on Glenside between St. Mary's Road and Burton Drive. The crosswalk connects the trail and he has been informed by community members there have been several other near misses in addition to actual incidents that have occurred at this location in the past year and recent years and this particular crosswalk and intersection has had a long history of safety concerns in the community. He requested staff engage with the Circulation Commission as soon as possible to immediately consider the implementation of enhanced safety measures at this location.

**7. PRESENTATIONS - None**

**8. CONSENT CALENDAR**

Mayor Tatzin announced that Item E had been previously requested for removal.

**A. City Council Minutes**

**August 13, 2018**

Recommendation: Approve.

**B. Resolution 2018-50 Expanding the Membership of the Planning Commission from Five Members to Seven Members.**

Recommendation: Adopt Resolution 2018-50.

**C. Major Subdivision Tract 6569, 3148 Lucas Drive – Acceptance of Improvements as Complete**

Recommendation: Authorize staff to file a Notice of Completion and release bonds in accordance with Contra Costa County Code §94-4.406 and §94-4.408.

**D. Action Items from the Retail Workshop**

Recommendation: Receive and file.



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

## 9. OLD BUSINESS

### A. Mayor Tatzin, Vice Mayor Burks and City Manager Falk

#### 1. Update on Preserving the Park Theater

Recommendation: Direct the Mayor and Vice Mayor to convene a public meeting to discuss alternatives for reviving the Park Theater, and to report back to the City Council.

City Manager Steven Falk said at the last meeting, the Council was introduced to the concept of the prospect of preserving the Park Theater by using a tool called a density transfer which would allow a developer to move units assigned to one parcel to another parcel. In so doing, it would preserve the Park Theater. The developer who had initially entertained that idea was Madison Park Properties who have purchased an option to acquire the Park Theater. After listening to the Council's deliberation and comments from the public, a few days later the developer indicated they have decided not to move forward with the option to purchase the theater. The immediate prospect of a density transfer with that developer thus evaporated.

In an interesting twist, he spoke with Mayor Tatzin following the receipt of the email from Madison Park and he and the Mayor both agreed that given the developer's withdrawal, there was no longer a need for this informal task force of volunteer citizens to meet. The citizens decided to hold a meeting anyway and while no staff attended that meeting, but he wanted to alert the Council of this, where a group of residents who remain interested in preserving the Park Theater either through a density transfer or some other tool have met. He and the Mayor spoke and thought if there was interest among citizens to meet again, perhaps staff and one or two Councilmembers could attend, and this is staff's recommendation.

Mayor Tatzin opened the public comment period. He commented that the Council has received several emails on this topic including a request that they both continue to meet and the City consider providing 4 hours a week of staff time to help facilitate meetings, but it was unclear as to how long these meetings would occur.

#### Public Comments:

JOHANNE DICTOR said she previously lived in Alameda and was involved in renovation of their theater because that is what citizens wanted. When she came to Lafayette and saw the empty theater, she thought it would be great to get it back and running, and a group wanted to explore options and stakeholders, determine if there was a way to get private funding, hold fundraising and events at the theater, and during the transition, regardless of what happens the area is blighted there. She thought the committee could come up with some ideas to improve the area until they figure out what they want to do. They hope to meet bi-weekly and have a dedicated staff person which worked well in Alameda. She thought they could review all issues, identify some good park ideas for that area, and she asked the Council to consider it.

Councilmember Anderson asked what the mechanism was that allowed Alameda to get their theater back in action.

Ms. Dictor said they had redevelopment funds at the time which were instrumental. They also had a good consulting group that helped them. All citizens wanted the theater as well and they held a very big event there with an opera singer who sang one night. There was great attendance and this got the community highly interested and brought that synergy to the theater.

CHERYL NOLL, President of the Lafayette Community Foundation, said she was very encouraged by the opportunity but then was disappointed to receive the email from the developer. She encouraged the Council to continue to explore this opportunity because it provides a beneficial way to bring all stakeholders together as opposed to what could have been a very rushed job. She was excited to hear that some citizens had already met, and unfortunately the LCF did not receive notice of this, so she thinks with City involvement it will bring more notification to others who could be involved and she asked the Council to approve dedicating staff time and pursue this opportunity.

Mayor Tatzin asked if there was staff who could spend time working on a different project.

Mr. Falk said he spoke with Administrative Services Director Tracy Robinson who has some limited time to work on this.

CECILIA KILMARTIN said she had the pleasure of going to the Park Theater when it was open. When she came from Oakland she was on a steering committee that became the North Oakland Voters Alliance. They worked on preservation of the Old Merritt College building north of Children's Hospital in Oakland and put that to reuse, and hoping to see something similar happen here. She would like to see something similar happen here and was at last Wednesday's meeting. They hope to meet again with some dedicated staff given there is a lot of interest, experience and expertise in the Lafayette community that can help chart a plan for what happens to the Park Theater. She reiterated the need for staff time so they can continue to explore whether renovation of the site is feasible or put it to some reuse or not.

GRACE DIXON said she feels as if the Park Theater building is a unique opportunity that does not come along very often. She was lucky enough to take her daughter who is 16 now to see March of the Penguins before they closed. She also attended the workshop on retail downtown and knows that in order to enliven the downtown people need to focus on experiences and services. There is a lot of open retail and she thinks Lafayette residents love to eat and love experiences. She also thinks the theater would serve an Internet-proof, Amazon-proof service for the community in services and experiences. She has heard that parking is a challenge and asked what if the services were aimed at residents who cannot drive or could be dropped off? What if it was a multi-generational community center where people do not necessarily need to drive? If it served seniors or youth under the age of 16, at least Monday through Friday parking would not be an issue.

She also believes that a multi-generational community center would serve the aims and goals of Lafayette and she thanked people for their stewardship and continued investment in the cost of their homes when they move here for the great schools. She and her husband are proof that businesses can be based upon services. They work at computer consulting and child care and there is a money to be made there. There is a major source of income offering residents experiences and services. In what can be viewed as an odd choice, she is encouraging more after-care because she gets 6 letters or phone calls per day seeking after care in Lafayette because the Community Center and Burton Valley are full.

DAVID CLARK said continuing discussions on the Park Theater is a great idea and he would personally like to participate. He thinks the email list is up to 35 to 40 participants and he did not hear any feedback with respect to the night chosen to meet being a bad choice, so he supported Wednesday nights.

TERESA GERRINGER reiterated that after she heard the City Manager and Administrative Services Director say there might be a bit of bandwidth, she also encouraged the City to assist in staffing the task force. They have had discussions about the Park Theater for a number of years about how to make it a community asset and have it be a public/private partnership similar to what they did with this building. With the Community Foundation and Library Foundation and citizens group, she thinks it is a great opportunity to put time and resources behind it. She is not saying the City will completely fund it, but she supported the opportunity to bring people together and talk about preserving the theater.

Mayor Tatzin asked if the Council would like him to work with staff to convene a public meeting of whomever wishes to come to explore the concept further, recognizing Madison Park has withdrawn. The idea of a density transfer would live on assuming there could be someone else who could do it. He said one of the differences they face now as compared to prior efforts is that the idea had not dawned on them. What they heard from Madison Park representatives was that roughly the current cost of the theater is roughly equal to the value of the density transfers. So, it could be acquired for those, but that still leaves refurbishment and on-going financial support.

The City built the Library several years ago and had a similar issue where the Community Foundation, in working with the City, did the vast majority of the fundraising but the City had a Redevelopment Agency at that time so it was similar to Alameda's situation. Redevelopment is now gone and it helped pay for the majority of the library and continues to pay through the Community Foundation loan for a majority of the operating expenses. So, this is a whole new world in terms of thinking about how they are going to finance it. He thinks it is a 'big lift' and he is willing to put time in.

Councilmember Anderson voiced his support, given people are interested in it. He knows this is an issue that was explored in the past and he would encourage continued investigation of the matter, so the meeting makes sense.

Councilmember Mitchell voiced his support and of dedicating staff time to help facilitate what should be a task force. He thinks there should be a well-defined scope and voiced his support.

Councilmember Samson voiced his support given the level of community interest. On the other hand, this could be a bottomless pit and he is concerned with limited staff resources. He suggested identifying what the scope might be after the first meeting as well as the potential viability and the group could return and request a certain number of hours of staff time and a budget amount that will meet the task or not.

Vice Mayor Burks voiced his support, stating they have an opportunity now with time and he suggested taking advantage of this and community interest and engage.

Mayor Tatzin said those who spoke this evening know that many people spent thousands of hours making this library possible over multiple years. They gave hours and many gave the largest donation to the Library they have given to anything. So, he would say to those interested in doing this, it will become a second job for those with a first job and it becomes a first job if someone does not have a job.

It also requires substantial financial commitment to make this work, and this will be a question he will pose to the group; whether the group is individually prepared to make that level of commitment if they believe there is a plan to make this successful. Without that, particularly now without redevelopment, the probability of success goes down.

He suggested that by consensus, he and the Vice Mayor will work with Ms. Robinson to try and schedule another meeting hopefully by the end of September. He would prefer that rather than talking about a task force or committee to call it a community meeting where no appointments will be made of people participating, but to take everybody willing to join in and make it successful. Later, if they need to change the structure they can.

Councilmember Samson asked and confirmed a report back will follow.

## **2. Update on AB2923**

Recommendation: Discuss and direct.

Mayor Tatzin stated this is the bill that would grant BART the ability to define zoning density and parking requirements for residential developments on BART-owned land within one-half mile of the BART station. In Lafayette's case, this means the parking lots on the north side of the BART station. The bill has passed the Assembly once. It went to the Senate where it was modified and passed. It went back to the Assembly for concurrence and it is now sitting on the Governor's desk waiting for his decision.

He said Vice Mayor Burks has been particularly active in trying to get other cities, Senators and Assemblymembers from around the state active in opposition. Those pushing the bill were also very active and the bill passed in both houses of the Assembly. He reported there is a meeting tomorrow with the Governor's staff and representatives from other East Bay cities will be going, a representative from the League of California Cities is going and all Councilmembers should have received an email asking them to sign onto a letter, and he asked Councilmembers to consider this and sign on if they agree.

In addition, they also included a suggested letter particularly from communities with BART stations. Before the Council is a letter he amended from a draft that the League of California Cities sent, so he hoped to adopt that letter so he can sign it and present it to the Governor's staff tomorrow morning; however, they were advised today this is an uphill fight.

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

Councilmember Anderson recognized Mayor Tatzin and Vice Mayor Burks' efforts on the matter, which has been incredibly important, and a round of applause followed. He said he knows of no other legislative effort that has been pushed forward as this effort and the Council thanked them.

Mayor Tatzin said he would not be surprised if the Governor signed the bill and he also would not be surprised if he chooses not to, given good reasons. He thinks all cities' collective efforts have been successful in gaining some of the amendments in the bill, such as 1) BART's ability to use eminent domain to acquire more property has been stripped from the bill, so they are only limited to land they own as of July 1, 2018. Therefore, this bill only applies to the parking lots north of the BART station; 2) They are required to develop an access plan to address the issue of the impacts of eliminating parking, some or all. He thinks this portion of the bill is still inadequately worded but at least it is something to

work with; 3) There are now maximum heights that did not exist before which are between 8 and 9 stories and probably between 100 or more units per acre at a maximum and at a minimum, 6 stories once including density bonuses and 70-80 units per acre. These are all amendments that did not exist several months ago, and we have MTC and ABAG to thank, particularly Mayor Worth from Orinda, Mayor Pro Tem Cindy Silva from Walnut Creek, special thanks to Mayor Lily Mei from Fremont, and our Vice Mayor Cameron Burks who has been very active on the bill. Three BART directors strongly oppose the bill, and those supporting the bill do not have stations affected in their districts.

**ACTION:** It was M/S/C (Burks/Samson) to authorize Mayor Tatzin to sign the draft letter. Vote: 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

**B. Jonathan Katayanagi, Parks, Trails and Recreation Director**  
**Status Report – Available Funds for Parkland Acquisition and Parkland Improvement**  
Recommendation: Receive and file.

Parks, Trails and Recreation Director Jonathan Katayanagi said before the Council are reports placed on the Consent Calendar at the July 23 and August 13 meetings. The reports are updates of the fund balances for the Parkland Acquisition and Park Facility fees. The Parkland Acquisition fees collected in Fund 17 are used for acquiring parkland for the City which are impact fees collected from new development in the City. Fund 12 Park Facility fees are used to develop new facilities and can be used to develop new facilities on existing City sites or could be used at sites the City has control over, which can be done through a use agreement or long-term lease agreement.

These updates were created after the dissolution of the Deer Hill agreement and the loss of the land the City would have acquired that was going to include a playfield, dog park and playground. Currently, he is working with the PTR Commission to come up with a plan for the use of Fund 17 Parkland Acquisition fees as well as looking at Fund 12 Park Facility fees. The Commission worked much of the last year to develop a plan that included a list of potential priority projects that approaches \$6 million in total estimated costs. As seen from the update, the current balance is \$93,000 in Fund 12 and they expect in 5 years to only have \$4 million available in Park Facility fees.

The Deer Hill agreement required the City spend \$3 million to acquire the land at the site as well as a shared cost above that \$3 million if improvements exceeded that cost. Currently, they only have \$2.6 million in that fund they can expect to potentially grow to over \$6 million in the next 5 years. The PTR Commission is developing plans for both funds so they can bring recommendations to the Council, and he was available for questions of the Council.

Councilmember Anderson said under Fund 12 priority projects he asked if there was consideration of maintenance costs and replacement sinking funds mixed into the prioritization of these different projects because long-term costs will be a big concern.

Mr. Katayanagi said for the most part, because these are CIP funds there is some maintenance built into them given there are on-going sinking funds for some of the projects like playground and field replacements. Beyond that, there are several items on the list that are just upfront capital investments for those improvements.

Councilmember Anderson indicated that he would like to ensure long-term maintenance costs were being considered going forward with the list.

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

ACTION: It was M/S/C (Samson/Anderson) to receive and file. 5-0 (Ayes: Tatzin, Burks, Anderson, Mitchell, and Samson; Noes: None).

## 10. STAFF REPORTS

- A. **Mike Moran, Engineering and Public Works Director**  
**Fees for contractor use of public streets and sidewalks**  
Recommendation: Discuss and direct.

Mayor Tatzin provided background, stating the Council passed an ordinance which charges people who use the public right-of-way including sidewalks, bike lanes, parking areas and street lanes for their construction projects. The Council adopted the ordinance after a project several years ago which occupied a sidewalk, the parking area and bike lane and occasionally a traffic lane for more than one year. They adopted it not so much because they wanted to raise money, but because they did not want anyone else to do that because it was unreasonably disruptive.

He thinks they have had some success. For example, if the Lennar project has encroached into the public right-of-way, it has not been often and their fences are on their side of the sidewalk. The Chase Bank building was another situation and they have paid fees of \$160,000 for their blockage.

Therefore, it strikes him that there were two things the Council could discuss tonight about whether or not they would like something pursued. The first is to include roads with traffic over 5,000 vehicles a day and in areas designated as downtown. There are a couple of areas he would like included which would be Happy Valley Road, Oakhill and First Street between Mt. Diablo Boulevard and Deer Hill Road because the northern part of them is not within the downtown map as it cuts off at the freeway.

Director of Engineering and Public Works Mike Moran clarified that Deer Hill Road is included on the list, but perhaps not the north/south streets.

Mayor Tatzin said additionally what struck him is that for those driving past the BART station and watching the 14-month repaving of 2 parking lots occupied the sidewalk along Deer Hill Road for months and used it solely as a staging area. Their project did not require any work in the sidewalk, so he agrees the City should provide an exception for public utilities doing work in the public right-of-way but he would hope they could look at whether they would have to provide an exception for public utilities that are occupying the public right-of-way but not doing any work in the public right-of-way and make them subject to the fee for the purpose of keeping them out of the public right-of-way.

Mr. Moran thanked Mayor Tatzin for his update, stating they only collected fees from two developers in the last year, Chase Bank being one of those, which we have collected over \$151,000 from them. The other fee was \$1,800 so it worked in the way it was supposed to work, which is incentive for contractors to get the work done in the public right-of-way and inconvenience the public for the least amount of time possible. He thinks that worked effectively. Therefore, it should be more of an incentive to keep the public right-of-way open to the public at all times.

Regarding the comment on Lennar, he knows they have dug a big hole and have done a better job than others, but their day is coming where they will need the street and sidewalk because they will not have

room onsite. He thinks this is a perfect example of still having something like this in place, collect fees, and continue the incentive to minimize the time they will inconvenience the public. He knows this item is back to the Council for certain discussion and possible amendments and charging public utilities, but he would request that if the Council is going to exempt or not exempt public utilities, perhaps these could be called out. The definition of a public utility may be different to different people. For example, PG&E has shareholders, so he questioned whether this is a public utility.

There is also a note that if it is work by a private company in the right-of-way, the first 30 days the City does not charge because it is for public benefit, but he would ask the Council to consider that instead of a 30-day blank statement, given there may be some projects that only needed 4 days and they could take advantage of the ordinance and, rather than a 4 day project, spend all of those 30 days in the public right-of-way knowing they are not going to be billed. Then, there is the other end where like Lennar who has been conditioned to put in a traffic signal, center medians, landscape, irrigation, parking stalls and other things. If Engineering were doing that as a CIP the working days would be far greater than 30 days but they could still come up with reasonable working days where they could impact that public right-of-way. But, even with that the City would want them to stage and minimize that inconvenience to the public.

Therefore, there is some good from the ordinance and resolution passed. It could perhaps be improved to be workable and even incentivize more. He did try to do some history on why they excluded public utilities and could not find anything so this would take some research and legal help.

Councilmember Anderson said the issue he saw in reading through the staff report is that there is no real recommendation from Mr. Moran on what would be helpful. Given what has been stated, if there are some ideas for revisions that would make sense, he would like to see these documented so the Council can consider them. He made notes about what is the basis, how can they be raised and made higher, and he was not aware of the fact it was working well so possibly the numbers are okay. He therefore suggested the item return with some criticism from Mr. Moran about what he would like to see changed which would make it a better ordinance.

Councilmember Samson said he thinks Councilmember Anderson's point is well taken. He would like more delineation and asked that given the Mayor's comment that this kind of situation to impose a fine or user fee is unusual, and he asked where the numbers come from. He had no basis and did not know whether "x" dollars per day was reasonable, too high or too little. Secondly for the City Attorney, possibly they are talking about public agencies and not just public utilities and he asked whether the City has the right as a municipality to impose such a fee or cost on a public agency. This is another item to be addressed at the next report the Council receives. Finally, regarding a 30-day exemption, he suggested tailoring it to the situation. He would like to get more of an explanation of how that would work so a developer knows with some degree of certainty what they need to plan for and expect.

City Attorney Subramanian stated they do want to look at whether the City may be pre-emptive from making these charges from various public agencies or utilities. The thought was to get direction from the Council and if interested, staff would conduct research and return. It will likely be on a case-by-case basis per agency or utility depending on their authorization.

Councilmember Mitchell referred to page 1 of the staff report and staff identifies public roadways not limited to the 9. Number 3 states Glenside Drive and he asked if this was from Reliez Station as opposed from Reliez Valley. Mr. Moran said yes.

Councilmember Mitchell asked if thought was given to include Reliez Valley as an affected street.

Mr. Moran said it could be based upon traffic counts. Staff had not given this thought because they had not had an issue with it. However, if it exceeds 5,000 vehicles per day on average, it could be included.

Councilmember Mitchell asked staff to look into this as he knows Reliez Valley is a sensitive arterial.

Vice Mayor Burks said he discussed the matter today with Mr. Moran and agrees with Councilmember Anderson for it to come back with some recommendations. He asked if code enforcement was responsible for addressing issues with this.

Mr. Moran stated Engineering has been billing this under an encroachment permit agreement and permits for construction in the right-of-way. Staff notifies them of these rules and regulations when working in the right-of-way. They have not had to go to code enforcement to his knowledge.

Mayor Tatzin concurs and thought Mr. Moran had a number of recommendations. He recalled that prior to adopting the ordinance they had talked about some approach where the amount of time public utilities in particular got to do work in the right-of-way was based on the estimate of how difficult the job would be. Because they were adopting the ordinance for the first time, they decided to make it simple with the current structure. Now given they have more experience, it may well be appropriate to refine it.

He confirmed that the recommendation is to direct staff to bring back a list of possible changes and ramifications with legal research so they do not return with ones that are illegal; to review the items Mr. Moran and Councilmembers have mentioned about things to consider modifying.

## **11. PUBLIC HEARINGS**

### **A. Sarah Allen, Senior Planner**

**Ordinance 665 – ZT04-17 City of Lafayette (Applicant): City-initiated zoning text amendment to comprehensively amend Chapter 6-6 of the Lafayette Municipal Code (Off-Street Parking)**

Recommendation: Introduce Ordinance 665 and waive further reading, adopt the Downtown Parking Management Strategy and continue Ordinance 665 to September 24<sup>th</sup> for second reading and adoption.

Senior Planner Sarah Allen said the Council last agendaized this item at the July 23 meeting, although it was continued due to the late hour. In 2002, the City Council adopted the Downtown Specific Plan (DSP) which went through an extensive public review. It also went through an extensive parking analysis which concluded the need to update the parking regulations. Some of the high level concepts that came forth were that there is an adequate supply of parking within the downtown but it is not evenly distributed or easily accessible, BART and employee parking provide impacts on the parking system and parking is a resource and should be shared.

The DSP and General Plan provide direction to update the parking regulations and this task was then placed on a Planning Division Work Plan, and the Council approved the formation of a Parking Ordinance Committee in 2013. They began with review of the ordinance and updating ratios, but as they went through that process, the committee found a more holistic approach was needed. They performed research and outreach including three public workshops, several public meetings for the ordinance and



strategy and also an occupancy and inventory survey of the entire downtown of both on-street and off-street parking. Through that research, outreach and survey they reconfirmed some of the findings in the DSP, and she introduced Ms. Carroll who would present some of the maps and occupancy survey.

Planning Technician Emily Carroll said broadly staff surveyed every single parcel in the downtown, or approximately 9,000 parcels from Risa Road to Pleasant Hill Road. With the inventory data, they conducted an occupancy survey, collecting 20 data points for each parcel and understood at what rate they were being occupied. She said Donald Shoup, a UCLA professor and predominant parking expert suggests that 85% occupancy rate is the ideal occupancy rate because there is availability with also a high level of utilization, and parking is a valuable resource and should be highly utilized. Staff assessed all parcels from this metric and found that parking is not frequently utilized around the 85% occupancy rate and is much closer to 20% to 40% depending on the area of town. She also noted that all maps are available on-line, as well.

Ms. Allen highlighted items found during review of the existing ordinance, stating the existing process for exceptions was unpredictable. People would have to come to the Planning Commission (PC) for a variance which may or may not be granted and the PC may or may not impose the parking development payment. A possible solution was to create some of the reductions offered as well as a clear-cut, defined way of allowing some reductions to be handled at the staff level and some from the Planning Commission.

The net floor area they found was being manipulated by people and reducing and removing some of the square footage, reducing the amount of parking that might be required based upon bathrooms, hallways and things not included in the net floor area. Staff therefore is requesting to change from net floor area to gross floor area for more user friendly implementation. Also, the in-lieu fee is fairly high and not collected often, so staff is recommending it be amortized over time so it is not as big of a burden if required to be paid.

Over the last 5 years, the Parking Ordinance Committee, staff and the community have come up with a Strategy which is inclusive of the White Paper, the actual ordinance and regulations as well as implementation table, all of which are included in the staff report. The strategy provides flexibility as well as certainty for businesses, helps maintain existing buildings, provides choices for employees and consumers and is based upon data collected by staff.

Staff finds that the approach is fiscally responsible by making more efficient use of existing resources and environmentally responsible by capitalizing on the existing BART station and allowing choices for alternative modes. Staff finds that parking is a community issue and requires a community solution, and this ordinance will provide an opportunity to try out some of the concepts developed and staff finds it to be a living document which can be amended and updated as needed.

Councilmember Anderson said he had comments on the draft ordinance and referred to page 7 or page 20 of the staff report, at the bottom, called "Bike Parking Design" number 2. He thought it might make sense to have some signage at the entry that indicates where bike parking is. If it is as much as 150 feet from the entrance, people might not know it exists.

He then referred to page 8, H-3 on "Tandem Spaces" which states and asked why it states "no more than 25% shall be tandem" and asked if there was a reason or basis for this.

Ms. Allen said each parking lot is required to accommodate both employees and customers and staff did not want to have all of it tandem because customers could not use it very easily.

Councilmember Anderson said he thought commercial users wouldn't want that either and he asked if the market would drive that. Ms. Allen said none of this is an exact science and it is entirely possible.

Councilmember Anderson questioned the following items and suggestions as potential amendments:

- Item 6 on page 9, "Required off-street parking shall normally be provided on the same lot or premises as the main use it serves or on an adjoining lot." He asked if this would be another commercial lot that happens to be congruent or part of this lot and therefore it is counted altogether.

Ms. Allen said an example of this is in Fiesta Lane where there are three parcels and the parking lot is shared.

- He asked and confirmed staff calculates for all of those different uses and verifies the lot has capacity to handle all parking.

Ms. Allen added that as a condition of approval, they made them have a cross access agreement so they could not sell the parking lot separately.

- Page 10 at the top; the reductions and exceptions from parking. The paragraph at the top indicates "Reductions and exceptions can be added; however, any reduction exceeding 40% of the total number of spaces requires review by the Planning Commission." The table below shows two that added together will be 40%. He asked if staff would rather state, "40% or greater". To trigger these two, he asked whether staff would want to ensure they also get some review, and Ms. Allen confirmed.
- Page 10 at the bottom; paragraph A-2; "Transit-5% reduction when a multi-family residential or commercial use is located in the downtown within one-half mile from the BART station." They have now seen what one-half mile from the BART station is and he was not sure that was a realistic radius and asked whether this should be a bit smaller. It seems there will be many 5% right off the top because one-half mile is a long distance.

Ms. Allen said the number was trying to be consistent with other criteria for distance near transit in other documents. Councilmember Anderson said he thought that given SB 35 and others, when they drew this circle around the BART station it takes up a lot of area so the City will be giving away 5% very quickly on many things.

- Bottom of page 12, Section 6-607C; in the last line of C it states "the fee amount shall be reviewed and revised every 5 years" and he suggested this be changed to "annually" because 5 years seems a long time for things to change with the market.
- Page 13; Access Driveways-6-608; parking lot design, B-4 states "Where parking area does not abut on a street there should not be an access drive not within 12 feet of width of one-way traffic and not less than 20 feet in width on all other cases." In looking at the drawing of the

different aisle ways, there is 90 degree parking with a 26 foot aisle and he suggested making it 26 feet going in and out also and not 20 feet.

- The next paragraph C; there are subjective criteria and he suggested reviewing the landscaping, earth berms, low walls, dense landscaping or other similar material shall be used to screen the parking lot from the adjacent street or residential area.”

Ms. Allen stated this was language from the previous ordinance but she could review this as to its subjectivity and make it objective.

- Page 15; the same thing exists here; Pedestrian Navigation and Lighting; D and E have some requirements that are loose in terms of what is being asked for and he suggested tightening these up.

Councilmember Mitchell referred to page 5 of the staff report, the last line which states “The net to gross ratio does not create the same number of required parking spots.” He said Ms. Allen sent him an email on this which talked about different ratios and he asked staff to provide more details.

Ms. Allen explained that staff did a detailed analysis on the Clock Tower building, and they took each individual tenant space and calculated out using the existing code, using a potential new ratio, using a gross floor area and also automatically reducing it to 20% which is what people tended to do for the net. They adjusted the ratio to make it similar using gross floor area similar to the net currently in place, which ended up being random at 2.5, 7.1, and other ratios they could not universally apply. So they then found one which they are ultimately recommending which is fairly similar so it ended up being approximately one or two off.

As an example, in Clock Tower, the totals were for the retail, the office and the total combined. She displayed the existing code, what is required, the net and the test cases if they did a random ratio and what they are proposing which is more consistent. It is a standard ratio rather than as varied as they found it to be. She presented an example of how the net versus gross is calculated where they had to remove and add certain areas which gets a little complicated. This is the majority of the reason they went to gross.

Councilmember Mitchell asked if staff had an example where they picked a restaurant to see how those numbers lay out, and he asked what the new proposed ratio was.

Ms. Allen stated they were going from net which used to be 1:250 and they are switching to 10:1000 or 1:100, and said they did something similar with a couple of restaurants. In this case, the Cooperage would require 7 less than now, the Great Wall would require 4 more than now, Patxi’s would require 5 more, Rancho 3 more and Roam 4 more spaces.

Mayor Tatzin opened the public hearing.

#### Public Comments:

KEN KOSICH, owner of 3435 Mt. Diablo Boulevard, said he has a history of the Gazebo parking lot which has not been brought up which goes back to when he purchased the building. One of the requirements was to have parking for the building. At the time he negotiated with the City to take the Gazebo parking

lot which was vacant land. He paid to pave it, put in a retaining wall and he did not think any City staff was here at that time. He has tried to explain that all parking in Lafayette is not the same. The east side parking is completely different from the downtown. The Gazebo parking lot now is leased to three of them that have parking. He has 15, Peacock has 6 and there are others. He has signed leases so he provides parking for his tenants. If the ordinance is adopted now the way it is written, parking will be taken away from him. He cannot break his lease from his tenants and he did not think this has been addressed. He said not one person has sat down with him to say what can be done to make it work for everybody. He knows that even with the new spaces there are additional requirements and he could not lease his building because there will be no parking for tenants.

Again, he thinks the area on the east side is much, much different and the City needs to take this into account. When tenants leave for the day and on weekends, no one parks there. During the weekday he knows of a couple of people who park there and walk through the trail, which does not bother them because they usually have available parking. He asked that the City address this issue and given leases, this could be a legal situation for him which could be extended to the City.

Councilmember Anderson asked if Mr. Kosich has discussed this with staff.

Mr. Kosich said he has attended some of the meetings at the Planning Commission but it goes no farther than the meeting.

Mayor Tatzin said he recalls that Mr. Kosich has brought this up to the Council in the past and that the general response was that they were not going to do anything immediately but at some point they were going to phase out the guaranteed spaces. While they have not done that yet, they also have not been in touch with him.

JOAN BRUZZONE said in listening to everybody's calm and rationale statements, she was not feeling calm at all but stressed out. She asked if staff spoke with property owners to find out how they feel about things. She thought there would be many people here tonight that would be as concerned as she was, said she now has vacancies and has a choice of signing a note that she will rent no more of her vacancies until she takes care of her parking problem, and this would deprive the Town of Moraga sales tax revenue.

She asked whether staff had walked up and down the streets and saw the number of vacancies, noting that the City had spent 5 years fine-tuning the parking ordinance and she thought requirements were not explicit. The fact that she does not have enough parking spaces would cost almost \$40,000 for each spot. She produces sales tax revenues and would think the City would care about this, but possibly the City would rather have vacant storefronts.

GRACE DIXON said she was confused in the presentation why, if they are at 20% to 40% utilization, it seems they want to add parking. She actually loves the way the City has been managed, has never had trouble finding a parking spot and feels the business environment is changing. She does not feel the need for parking is so great but the need for housing is great.

Noted Absent:

Vice Mayor Burks was excused for the remainder of the Council meeting.

Mayor Tatzin said there is various information regarding ratios and there is Section 6-606A which talks about reductions. When numbers are presented of numbers of spaces required, he asked and confirmed this was before any of the potential reductions. He asked if there were reductions that were likely such as most of this occurs within one-half mile of a BART station where they might have bike parking, and thought it might be useful in charts to also put in what the effect of a certain level of reductions result in. As he read the ordinance, it reduces the need for parking, given the reduction potential.

Ms. Allen said this is correct, although some of the fluctuation depends on how much is being excluded from the net floor area. What they are proposing currently may be skewed a bit based upon them excluding more than 20% of their gross floor area. So, this might be part of the reason why some are above and some that are below. There are opportunities to offset the parking requirement to require less parking.

Councilmember Mitchell said it seems that the intent was to remain about the same ratio and same number of parking but change it into a format that could be more consistently enforced or applies. He thought the City was not necessarily saying people must provide more parking as some people seem frightened by, but to keep the number of spaces the same, and Ms. Allen confirmed.

Mayor Tatzin said Councilmember Anderson suggested a number of amendments and Councilmember Mitchell noted he had a number of amendments, as well. He asked if it was appropriate to continue the item and return it as a first reading with amendments or he asked if the Council should adopt the first reading with direction to incorporate the amendments.

Ms. Subramanian said she thinks some of the amendments that Councilmember Anderson made about some of these being subjective versus objective may require more thought by the Council. If staff does not have the language to present, she suggested bringing the first reading back.

Councilmember Mitchell said he has a number of amendments, but he wrote them down and asked if he should share them with the Council and the public.

Ms. Subramanian said it would be helpful if there was agreement from the Council on those he wished to amend.

Councilmember Anderson suggested displaying the list on the overhead projector, which was done.

Councilmember Mitchell began by stating at the retail workshop, all four of the speakers commented that the City needed more convenient parking in the downtown and not less. He was not advocating for necessarily more than what the City is doing with changing the ratios, but he had some problems with the reductions. He then discussed the following proposed amendments:

- Page 6 , Section 6-604; Compact Spaces—This section is brand new and his experience has been with compact spaces is that if there are no parking shortages they work out okay. But, as soon as all parking is needed cars park and take up two compact spaces and people are left with less usable parking than they would have otherwise. Therefore, he was not in favor of the new provision.

Councilmember Samson asked if there was a state law requiring a certain ratio of compact spaces. Councilmember Mitchell said he asked staff and there was none, nor did the prior parking ordinance have provisions for compact spaces.

- Page 9, Section 6-605; H-5; "Parking lots and structures within the Plaza District and Downtown Retail are prohibited on prominent corners." He recommended it would require Planning Commission approval. He agrees with the idea they do not necessarily want parking structures interrupting the public walking network. But, in some cases like Uncle Yu's and Safeway, it is important to have that parking and to allow businesses to put in the parking they want.
- Page 9, Section 6-605; 6-H-I; He recommended 1,000 feet for employee parking. At the Whole Foods, it happens that employees are walking almost 1,000 feet to the supplemental parking area, but he thinks it is different asking customers to walk this length versus employees.
- Page 10, Section 6-06A; In his opinion, he thinks either the parking is provided or the in-lieu fee should be paid. Staff was talking about consistency in enforcement which he agrees with and thinks the City should make it as easy to pay their in-lieu fees but he does not see just waiving them. It states they waive them on Page 10 under A, which states, "Reductions through implementation of the strategy: The Zoning Administrator may make grant reductions up to 20% of the parking fee without payment of the in-lieu fees or through any reduction measures implemented..."

Mayor Tatzin said his interpretation of that section 6-06A is that when a building requires 100 spaces, this says when someone does certain things that are listed under A-1, A-2 through A-8, they can get reductions in how much parking they must provide. They may only need to provide 80 spaces and if they provide 80 spaces because they are doing other things, they do not have to provide in-lieu fees for 20 spaces. It would be different in a situation today where perhaps 100 spaces are required, they only have space for 80 and they pay an in-lieu fee for the 20 spaces.

Councilmember Mitchell said he was supportive of the Mayor's explanation and he withdrew his concern with this; however, he did have problems with some of the other provisions.

- He was not in favor of A-2; a 5 % reduction within one-half mile of a BART station and asked that it be deleted. It seems to him that the most intensive parking needs are within one-half mile of the BART station and he did not think they should be reducing parking in that area. He also did not see any verifiable means to reach a conclusion that 5% of those people are going to take BART and free up the spaces.
- Similarly, he was not in favor of the bicycle reduction, which is A-3 on the next page. He was completely in favor of bike parking but he does not see how it is verifiable that if parking is reduced by 5% the parking loads will remain the same. He thinks they can require bike parking as a condition of approval for a development in any case. He was in favor of A-4 if the City can verify that employees are taking the transit management demand program, but just because a company offers a program of that nature, he does not know that it would be utilized.
- He said he was also in favor of deleting A-5, 6, 7 and 8.

Councilmember Anderson said he thinks the concept is that these are things the City would like to see happen that will not happen unless they give people an incentive to do them. The incentive is that they get a reduction in overall parking requirements. He asked staff if this was the rationale behind these different exceptions.

Ms. Allen said yes; it is also meant to off-set the requirement for that additional parking so giving people choices and opportunities to use a different mode of transit, bike parking or some other form.

Councilmember Mitchell said when staff says "giving them the opportunity to use other forms of transportation" he asked how the City knows they will avail themselves of that. If the City provides bike parking some people may avail themselves of that, but he is afraid many will not and this will not offset the demand. He happens to be a huge proponent of EV charging stations, but the Commission can write that into a condition of approval. He was in favor of EV-ready and voted for matching funds for new charging stations in the downtown from the General Fund monies, but what he has a problem with is he does not see these programs affecting the demand for parking. The City can incentivize people to utilize these types of programs without discounting the number of parking spaces.

Councilmember Anderson agreed and suggested asking staff to determine if there is a better way to do it.

Mayor Tatzin added that there is probably increasing state law for residential projects in particular that establishes maximums for parking which may be below the number they have in the residential part of this parking ordinance, and he suggested factoring that in, as well. He said he is more sympathetic to the idea of the reductions through implementation of the Strategy than Councilmember Mitchell is, however, so the Council was not unanimous.

Councilmember Mitchell said he expects there will be a division of opinions on all of these issues.

- Page 13; Section 6-607E at the top; He asked to make it easier for people to pay their in-lieu fees and expand it from 3 years to 5 years. As long as it stays with the land, he does not have a problem if they go to 10 years, but he would like to make it as easy as possible to pay the fees but charged consistently.
- Page 4; Non-Conforming Spaces of the initial staff report, the current policy is 120 days and he was in favor of doubling that to 240 days, but was not in favor of tripling it to one year. Staff did not think it was based upon any specific hard data and secondly, these are non-conforming spaces and already spaces for people who do not meet their parking requirement, and he would prefer they meet their parking requirement.

Councilmember Samson said staff has done a prodigious amount of work and he very much respects it. He walked out of the initial meeting on this shaking his head because the numbers do not lie. What has been shown in terms of adequacy of parking or misallocation he found quite enlightening. He thinks the work done must be respected. That said he has fundamental concerns. He wondered if, on one level, they are using a sledge hammer to hit a fly.

A couple of speakers today brought up valid points such as what will this do to existing parking relationships and contracts. The second speaker brought up the changing retail environment, empty

storefronts, and he thinks to some degree this does not take into account how the City needs to adapt or can adapt to that changing environment.

He said he is concerned that this ordinance is too complicated. There is a lot of social engineering involved in it in terms of trying to incentivizing certain transportation alternatives or not. He realizes some of that may be mandated by law and some of it is social engineering, but this is not downtown San Francisco where parking is very much a problem so he does not know the moderate amount of inconvenience that most people incur on a daily basis justifies incurring this degree of regulation. He agrees with many of the comments made by Councilmembers Anderson and Mitchell but to him it is re-arranging the deck chairs on the Titanic and suggested a simpler approach to this because he just thinks it is overkill.

Mayor Tatzin said for the purposes of winding this up to watch the Council disagree he looks at the analysis over a year that says there are some periods where there are parking shortages that are not that great. Overall, the City has adequate parking; however, it is not shared appropriately, and they have a history of doing social engineering by requiring that each project provide adequate parking based on some code without regard to what is going on in surrounding properties.

To some extent, he viewed this proposal as de-regulation. It said the City needs to adequately park the downtown but they do not need to apply rigid formulas to each specific parcel if there are alternatives available such as shared parking or greater use of bikes or car sharing. While it is difficult to project whether that will work or not, his sense was that possibly they need a provision that says 'No existing business will be required to add parking as a result of this ordinance' it allows them to experiment with a different way of thinking about parking, and he thought that was a good idea.

He thinks some of the suggestions people have made are good but possibly he misinterpreted how this would work in practice, but he thought this is a different paradigm and given they seem to have adequate parking in the downtown, there might be an opportunity to meet those requirements. It may be that somebody who has parking spaces behind their building that are often unused that are within 1,000 feet of someone else's building which does not have enough parking could rent those out to employees. And, in a sense this ordinance allows that kind of thing to happen. So, unfortunately, the Council is not providing a consistent message.

Councilmember Mitchell said in the last example he asked where in the ordinance it states that one can rent their spaces out to employees and utilize a reduction.

Councilmember Anderson said it is a TDM, and Mayor Tatzin said there is also a provision for public parking.

Councilmember Mitchell said from his line of thinking, if TDM is a verifiable program it works for him. He is behind 85% of what this new ordinance says. He is also behind the idea that if the City can get shared parking it will create efficiencies and he was supportive of allowing reductions based on efficiencies they may garner. But, many of these programs do not have much to do with more efficiencies and he is happy with the number of parking spaces there are in the downtown but was not looking forward to seeing less parking spaces.

The other issue is that it used to drive him crazy when he used to read through the staff reports which indicates there is plenty of parking in the downtown; it just is not accessible. If the City has inaccessible



parking it is not very helpful. Therefore, some of these occupancy ratios are calculated using restricted parking and some of those restricted parking areas are vastly under-utilized. In thinking of the parking lots between the Round Up and the Clock Tower Building, they are heavily under-utilized and if they could be utilized, there could be great savings. He thinks they are counting those towards the utilization rate even though they are not being very well utilized.

So he was not looking for a huge amount of added parking even though this is what the retail expert says convenient parking is the most important thing. He was also not looking at reduction strategies. He thinks the City should use what they have more efficiently and if they can prove that they are getting efficiencies from that, he was supportive of further reductions.

Ms. Allen added that the reductions are optional so it is not a requirement, and they are for businesses and keeping existing buildings in the downtown. For example, on Plaza Way or where the Milo Sport building is, those encompass the entire parcel and they cannot provide parking. There are options to tenant those spaces without actually providing the physical spaces, so it is not a requirement to do the reductions. And, often staff found that people actually over-park their uses, particularly multi-family.

Mayor Tatzin suggested holding a workshop, stating staff has heard a variety of comments and he asked that they be broken down into various categories of Councilmember Samson's argument for a simplification approach. He commented on the number of spaces ought to be there. Councilmember Mitchell has argued for eliminating some of the reduction opportunities without necessarily requiring more parking, which might require changing the ratios to get there because if left as proposed without reductions, they would end up requiring more parking for new buildings.

He suggested staff return with a couple of scenarios as to how to proceed and then have a discussion about that. He realizes that may take time to put that approach together, but he was not sure the Council was close to a decision.

Councilmember Anderson voiced support for this approach, and reminded the Council there was a parking ordinance committee that worked on this for 5 years, held meetings with people in the business community, held workshops and had participation and reviewed plans, and this is the basis for what is being presented to the Council. So, it is not without a great deal of consideration that this has come forward and he thinks that needs to be respected in some form. He also thinks staff has tried to integrate some of the most recent comments heard from the retail workshop where people talked about the complexity of determining square footage and parking spaces, as well as the time of 120 days to fit a new tenant into a space. He thought this could be brought back with some of this clearly appended to those places where the Council is having questions might understand why the decisions has been recommended.

Councilmember Samson said he by no means was denigrating all of the work that has been done and respected it. However, he was not part of those studies and in looking at the packet fresh it just has triggered questions for him, as he did read it.

Mayor Tatzin recognized there were some differences of opinion in some things. Councilmember Mitchell would remove the 5% reduction when new multi-family residential projects are parking tenants at an initial cost. He cannot promise that doing this would reduce demand by 5% but he understands the underlying thought behind that is that if the City is going to charge more for parking, some tenants

will choose not to have an additional vehicle, and therefore, less parking is needed. Whether that would happen is unsure, but he thinks it is worth trying.

And, he said it has always struck him that the City has a General Plan that advocates most of the future residential development occur in the downtown, and then they worry about traffic. The only way they are going to avoid more traffic in the downtown is to add people without vehicles. One way to keep people from adding vehicles is to make it very hard, so he has always been on the edge of saying put in parking maximums and not parking minimums. San Francisco has many areas where they say there is an apartment or condo development and they get a maximum of ½ or ¾ of a space per unit. He was not sure those ratios are appropriate for Lafayette but they need to start thinking in that direction.

Ms. Allen added that they have the status quo which the DSP and General Plan have called for revising, and staff knows how the status quo works. They have some solutions they have come up with based upon input from the community, from experts and their own research with feet on the ground and counting parking spaces over the last 5 years. Clearly, there is no magic bullet or this would have been solved already, and staff advocates for testing this. They also have an MTC grant that was approved to be applied for by the Council to implement the Strategy and the City has a person from the grant to help implement the Strategy for 18 months. Staff can return and not necessarily have all of the answers but they will have tested some of how this worked. Again, it is a living document so it can be amended and changed over time.

Mayor Tatzin said maybe the approach, as Councilmember Anderson points out, is that there has been a lot of work that has gone into this and possibly the Council loses sight of that. Maybe when this comes back they start at a 30,000 foot level and they say, one view of parking is to go in this direction where there is more shared parking, where there are incentives for people to have fewer cars, and that leads to a certain approach. Another approach could be where each property owner has to make sure his/her property is adequately parked which leads in another direction. If the Council could agree in which direction to go in, this may make some of the details fall out more easily.

Therefore, he suggested continuance to a date certain, and Ms. Allen suggested the second meeting in October as a continuance date.

ACTION: It was M/S/C (Anderson/Mitchell) to continue the matter to October 22, 2018. Vote: 4-0-1 (Ayes: Tatzin, Anderson, Mitchell, and Samson; Noes: None; Absent: Burks).

Director of Planning and Building Services Niroop K. Srivatsa announced that this was Ms. Carroll's last meeting and last two weeks with the City of Lafayette. She has accepted a position with the City of Richmond as a planner and has counted every parking space in the downtown and has conducted the occupancy survey and she wanted to thank her for her services. A round of applause followed.

Mayor Tatzin and Councilmembers thanked Ms. Carroll and wished her well with the City of Richmond.

**B. James Hinkamp, Transportation Planner**

**Ordinance 670 Amending the Lafayette Municipal Code, Title 2, Chapter 2-4 to Update the Administrative Duties of the Lafayette Circulation Commission**

Recommendation: Introduce Ordinance 670 and waive further reading, and continue Ordinance 670 to September 24<sup>th</sup> for second reading and adoption.

Transportation Planner James Hinkamp stated this is the first reading for Ordinance 670 which is to amend the Lafayette Municipal Code, Chapter 2-4 as it pertains to the administration of the Circulation commission. On August 13, 2018 the Council reviewed draft language put forth by the ad-hoc committee reviewing the charter update as well as the Circulation Commission, and it approved language to the effect shown in the draft ordinance.

Mayor Tatzin opened the public hearing, and there were no speakers.

ACTION: It was M/S/C (Anderson/Samson) to introduce Ordinance 670 and waive further reading, and continue Ordinance 670 to September 24<sup>th</sup> for second reading and adoption. Vote: 4-0-1 (Ayes: Tatzin, Anderson, Mitchell, and Samson; Noes: None; Absent: Burks).

## **12. ITEMS REMOVED FROM CONSENT CALENDAR**

### **E. Settlement and Release Agreement between the City, Save Lafayette, O'Brien Land Company and Mr. Garfinkle Regarding Attorney's Fees and other expenses**

Recommendation: Receive and file.

City Attorney Mala Subramanian said before the Council is a settlement and release agreement which relates to Ordinance 641 and the lawsuit relating to the Referendum petition that challenged approval of Ordinance 641. The agreement is between the City of Lafayette, Mr. Garfinkle, Save Lafayette, Mr. Griffiths as President of Save Lafayette, as well as O'Brien Land Company. It provides for a payment of \$650,000 in attorney fees related to those lawsuits and it does release all claims and avoids additional litigation regarding attorney fees. As the Council may be aware, the agreement provides that O'Brien is required to indemnify the City of Lafayette so what is proposed is in the agreement. The City would make the payment to the parties within 10 days of execution of the agreement, but the City would receive a check for \$650,000 from O'Brien Land Company upon execution of the agreement.

Mayor Tatzin asked if there was any doubt about the timing of when O'Brien Land Company would reimburse the City as opposed to when they are supposed to reimburse the City.

Ms. Subramanian said she checked with Finance Manager Jennifer Wakeman about the timing of being paid versus the timing of paying out, and she confirmed the ten (10) days was adequate in terms of receiving payment from O'Brien Land Company and then making the payment.

Mayor Tatzin said he did not see anything in the agreement that obligated O'Brien to pay the City within a certain time period.

Ms. Subramanian stated representatives from O'Brien are present. Additionally, if the Council wished to add a sentence, they could but would need to run it through to all parties.

Mayor Tatzin said he was concerned that occasionally they wind up being owed substantial amounts by developers and the City is now obligated to pay the other parties within ten days and he was not sure where the language was that obligates O'Brien to reimburse the City either within eight days or fourteen days.

Ms. Subramanian said they have indicated to staff on numerous occasions they would pay the City upon execution of the agreement. Staff can add language to the agreement, but they are required to

indemnify the City but this would need to go through all parties; however, this does not mean the Council couldn't give consent without additional language.

Mayor Tatzin said he would be more comfortable concurring with this with the assumption that the language will be added before it is signed.

Ms. Subramanian suggested having O'Brien Land Company representatives concur since they are present.

#### Public Comments:

BRYAN WINTER, Miller Star Regalia, on behalf of O'Brien Land Company, agreed with adding language to that effect. They would prefer it be approved tonight, but would agree to addition of the language.

Councilmember Samson said this is a settlement amount of \$665,000 and asked what the actual amount of the claim fees. Ms. Subramanian clarified it is for \$650,000 and staff never got the actual amount. There were many negotiations at a higher number. Because they were settlement discussions they had not litigated it and did not receive hard, documented proof of the actual amounts.

Councilmember Samson asked if there were requests for attorney fees and response so the City knows a number. He asked if it was \$650,000 versus \$1 million or something else.

Ms. Subramanian said her recollection was that the initial request was higher and she can look back at correspondence and determine the actual amount, but it did start out much higher than \$650,000, and she would be happy to follow up.

Mr. Winter stated these were confidential settlement negotiations so he would prefer not to state a number, but he agrees the number was higher than \$650,000.

ACTION: It was M/S/C (Anderson/Mitchell) to authorize the Mayor to execute the Settlement and Release Agreement between the City, Save Lafayette, O'Brien Land Company and Mr. Garfinkle Regarding Attorney's Fees with the addition of language indicating that the City would receive funds from O'Brien Land Company upon execution of the agreement. Vote: 4-0-1 (Ayes: Tatzin, Anderson, Mitchell, and Samson; Noes: None; Absent: Burks).

### **13. COUNCIL/COMMISSION REPORTS**

- A. Councilmembers report on activities and consideration of matters a Councilmember wishes to initiate for placement on a future agenda.

Councilmember Anderson stated he had a brief discussion about re-agendizing the PG&E tree removal agreement. Vice Mayor Burks is not present and Councilmember Mitchell will be absent for the next two meetings. He suggested holding a review of the PG&E tree removal agreement for the second meeting in October, and Councilmembers concurred.

Mayor Tatzin reported that Vice Mayor Burks had attended the Mayors' Conference and he did not. Mr. Falk stated he attended with the Vice Mayor and the speaker was the affordable housing staff member for the City of Walnut Creek who gave a presentation on challenges of affordable housing in Contra

Costa County and the Bay Area. The City of Clayton hosted a wonderful salmon dinner at the Oakhurst Country Club.

**B. Mayor Tatzin**

**Art & Wine Booth Sign-ups for September 15 and 16 and Discuss Sharing the Booth Space with Sustainable Lafayette for Deep Green Sign-Ups**

Recommendation: Discuss and direct.

Mayor Tatzin suggested Councilmembers forward their forms as to what they would like to do and he will work out any conflicts. The issue with the Deep Green sign-ups, the Council adopted getting up to 1,000 households to adopt Deep Green. Sustainable Lafayette, the City's partner in promoting this, was hoping to share some space with the City as well as with MCE. He said Councilmember Samson prefers not to be in the booth when MCE is there for reasons unrelated to his service on the City Council.

Councilmember Samson explained he has a client involved in litigation against Community Choice Aggregation facilities and it would not be appropriate for him to be there. Mayor Tatzin proposed that Councilmember Samson will work the first shift on Saturday and Sunday and MCE could show up at the second shift.

Councilmember Mitchell agreed and said he wanted to work with Councilmember Samson on the first shift on Saturday and he was open for Sunday. Mayor Tatzin noted Vice Mayor Burks could work all day on Saturday but he could not at all on Sunday. Councilmember Mitchell stated he could work on Sunday. Mayor Tatzin said he and Vice Mayor Burks could handle the rest of Saturday and he agreed to notify Sustainable Lafayette.

He contacted the City Clerk regarding things to give away, and Mr. Falk said he knows they will have Love Lafayette bumper stickers and most likely other items.

**C. Councilmember Anderson and Mayor Tatzin**

**Resolution 2018-51 Appointing members to the Planning Commission**

Recommendation: Adopt Resolution 2018-51.

Councilmember Anderson said an item on the Consent Calendar was approved to expand the number of Planning Commissioners from 5 to 7 members. He and the Mayor as well as the Chair and Vice Chair of the Planning Commission interviewed another three candidates and went back through the entire list of potential candidates. They arrived at a unanimous recommendation for the appointment of Stephen La Bonge who is a commercial real estate oriented individual with CVS and Farschad Farzan who is an attorney.

Councilmember Mitchell said it seems there are professionals in the real estate development field on the Commission and asked for the Council's observations.

Councilmember Anderson said he believes there are more design and planning individuals than real estate representatives.

Mayor Tatzin agreed there were certainly a number of applicants who had development backgrounds, but they were not who was being recommended.

ACTION: It was M/S/C (Anderson/Samson) to appoint Stephen La Bonge and Farschad Farzan to the Planning Commission. Vote: 3-0-1-1 (Ayes: Tatzin, Anderson, and Samson; Noes: None; Absent: Burks; Abstain: Mitchell).

**D. Councilmember Samson and Mayor Tatzin**  
**Resolution 2018-52 Appointing member to the Circulation Commission**  
Recommendation: Adopt Resolution 2018-52.

Mayor Tatzin reported interviewing Gregory Brown and recommended his appointment.

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

**E. Councilmembers Mitchell and Samson**  
**Update on Retention Agreement with Coblenz Patch Duffy & Bass LLP**  
Recommendation: Discuss and direct.

Councilmember Samson reported that last Tuesday, he and Councilmember Mitchell met with Rob Hodil and Jonathan Bass of the Coblenz law firm and reported on the meeting they had discussed their intention. So there were no questions, he forwarded them a copy of the draft minutes from the August 13 Council meeting. They were asked to provide them with a description of the scope of work as well as either a time or hours budget of what that would entail, and not knowing where this application will go, they were asked to review the next 90 days or what seemed to be a feasible milestone in terms of review of the EIR and the scoping hearing for the Supplemental EIR.

He said they returned with an anticipated scope of work with a range, and he added it to be 34 hours on the low side and 90 hours on the high side which was for a scoping meeting for the remainder of the year. He applied the hourly rate to that and obtained a range of \$18,700 to \$49,500 and wrote back to them and said he was anticipating the Council will want to know what the numbers are and secondly, whether they could provide a not to exceed amount. Today, an email was received for a not to exceed \$50,000.

He said he noticed in the draft retention agreement, it was addressed to Councilmember Mitchell and himself, and he recalled that it was to be signed by Councilmember Mitchell; however, he recommended it be signed by the City Manager. If approved, there should also be an added paragraph with the not to exceed amount without further authorization from the Council.

Councilmember Mitchell stated he was unaware they had returned with a not to exceed number and was happy they responded.

Mayor Tatzin noted that he did not approve this direction, but the one good thing he saw today was that they will be using Coblenz exclusively as opposed to splitting the contract. He thinks one good thing about the proposal was that the City would be working with Coblenz exclusively so there would be no miscommunication as to who is responsible for what. He noted that honestly he did not have a chance to read the agreement today and was not sure whether this was part of the public record or whether the agreement just was forwarded to the Council.

Mr. Falk stated he forwarded it to the City Council this afternoon once he received it.

Mayor Tatzin said therefore, for an organization who tries to be transparent, the Council is not being so tonight with this. It has not been made public and it does not come close to meeting requirements for public transparency for a contract that is not insignificant so he will continue to oppose it not because he disagrees with the fundamental premise, but he thinks the manner in which it has been handled has been inappropriate in asking for a vote tonight.

Councilmember Samson said he did not realize the agreement had not been disseminated. The letter came in on Friday and he believes transparency is important and personally has no issue in deferring approval for two weeks so the public can view the agreement.

Mayor Tatzin opened the public comment period.

Public Comments:

BRYAN WINTER, Miller Star Regalia, on behalf of O'Brien Land Company and Anna Maria Dettmer, property owner, stated at the last Council meeting they provided a letter regarding the proposed extended retention of the Coblenz firm. Their letter correctly anticipated what Mr. Hodil from that firm confirmed publicly later that evening, namely that the process agreement was valid and the Permit Streamlining Act does not act to cause a project denial due to the passage of time. The City resumed processing the project that was deemed complete in 2011. They also noted from watching the meeting and the City's minutes that Mr. Hodil confirmed that the project which would provide much needed housing for teachers, public safety personnel and others who work in Lafayette is protected by the Housing Accountability Act and that changes in the General Plan and zoning ordinance that occurred after that application was deemed complete in 2011 cannot be a basis for denial of the project.

They also note that the California Supreme Court recently affirmed the Appellate Court holding in *Bushey v. the City of Morgan Hill* and expressly confirmed that *Bushey* represented in the words of the California Supreme Court a change in the law. Again, this means that Ms. Subramanian's advice on the matter in 2015 was correct before the law changed contrary to on-going misstatements by certain project opponents.

Finally, they note that some members of the public are demanding the Council find a way to thwart the project, a word that has been used by opponents of the project at the City's public meetings. The law does not allow the City to go looking for some basis for denial. The law intends that projects like the Terraces project will almost never be denied. These individuals are thus asking the Council do something the law precludes and asking that they expose the City to potentially significant liability under the Housing Accountability Act and otherwise.

At this point, the credibility of those making such comments should be severely diminished. They intend to continue advancing the Terraces project and to proving their arguments are firmly in the law such that the City will have no valid basis to deny the project.

Councilmember Samson asked if Mr. Winter understands that what is before the Council tonight in terms of approving or not approving the retention agreement is simply whether or not the Council enter into an agreement to bring on additional counsel to provide legal advice wherever a policy decision the Council wishes to make down the road with respect to the proposed development. It is not about the merits of the development itself.

Mr. Winters confirmed this understanding.

ACTION: It was M/S/C (Samson/Anderson) to continue the matter to the September 24, 2018 and direct the City Manager contact Mr. Hodil to make the modifications such that the letter would be addressed to and signed by the City Manager, and include a provision in the agreement that there be a not to exceed \$50,000 amount without prior authorization by the Council. Vote: 4-0-1 (Ayes: Tatzin, Anderson, Mitchell, and Samson; Noes: None; Absent: Burks).

#### 14. WRITTEN COMMUNICATION

- A. **Fax from Lori McDonald, Contra Costa County CAER Group, Inc. requesting a proclamation recognizing November 7, 2018 as Shelter in Place Education Day in Lafayette.**

Recommendation: Approve the proclamation recognizing November 7th as Shelter in Place Education Day in Lafayette.

ACTION: It was M/S/C (Mitchell/Anderson) to approve the proclamation recognizing November 7th as Shelter in Place Education Day in Lafayette. Vote: 4-0-1 (Ayes: Tatzin, Anderson, Mitchell, and Samson; Noes: None; Absent: Burks).

- B. **E-mail from Yolanda Vega requesting a proclamation recognizing September 30, 2018 as Gold Star Mother's Day in Lafayette.**

Recommendation: Approve the proclamation recognizing September 30th as Gold Star Mother's Day in Lafayette.

ACTION: It was M/S/C (Anderson/Mitchell) to approve the proclamation recognizing September 30th as Gold Star Mother's Day in Lafayette. Vote: 4-0-1 (Ayes: Tatzin, Anderson, Mitchell, and Samson; Noes: None; Absent: Burks).

City Manager Falk announced that he and Vice Mayor Burks attended the memorial services for Fred Lothrop, former Chair of the Emergency Services Commission, yesterday who was a great man and recommended adjourning in his honor.

#### 15. ADJOURNMENT – 9:17 p.m. in memory and thanks to Fred Lothrop.

APPROVED:

\_\_\_\_\_  
Don Tatzin, Mayor

ATTEST:

\_\_\_\_\_  
Joanne Robbins, City Clerk