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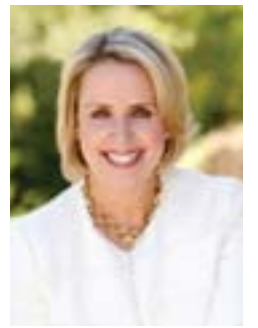
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Council considers potential Conflict of Interest violation

By Jennifer Wake

The Lafayette City Council at its April 12 meeting discussed its first potential violation of the Conflict of Interest Policy for Planning Commission and Design Review Commissioners since its adoption on March 26, 2018. The policy provides clear standards for members to avoid engaging in conduct that may pose an ac-

tual conflict of interest or the appearance of bias or a conflict of interest.

Design Review Commissioner Kristen Sidell's architecture firm Sidell Pakravan Architects, according to a staff report by city attorney Mala Subramanian, unintentionally worked on a project in late 2020 and early 2021 located within the city of Lafayette that both the property owner and firm believed

to be in the city of Orinda. "The property has an Orinda mailing address and it was only when the project was submitted to Orinda did the firm realize that the property was located in the city of Lafayette," the report stated.

The staff report recommended waiving the "inadvertent violation of the Policy and allow Commissioner Sidell's firm to bill for the work as requested," but

Council Member Cam Burks, who was involved in working on this policy in 2018, stated that Sidell's firm should have known what city this was located in and that it was a violation of the ordinance. "We passed this ordinance because there was a problem, and it was a systemic problem in this town," he said.

After an extended discussion among council members, as well as public comment

from Lafayette resident Bob McClain, who was asking for Sidell's resignation, Subramanian clarified that a violation of the policy only occurs if Sidell bills for the work completed before her firm knew the project was located in Lafayette and after she joined the DRC. Sidell agreed not to bill the city for the \$855 in fees and the matter was closed, with no further action required.

Mitigation measure at Brown Avenue and Deer Hill approved, artist's donation of custom birdhouses accepted



Photo courtesy city of Lafayette

One of many birdhouses by artist Greg Moeller that grace stop signs around Lafayette.

By Lou Fancher

The aesthetics and traffic concerns on city streets dominated discussions at the April 12 city council meeting. With a full quorum in attendance – Mayor Susan Candell, Vice Mayor Teresa Gerringer and Council members Carl Anduri, Cameron Burks and Gina Dawson – attention centered on a recommended replacement of 28 recycling and trash receptacles with high-capacity Bigbelly units and the planned addition of a signal at Brown Avenue and Deer Hill Road as part of the Terraces of Lafayette development project.

Engineering and Public Works Director Mike Moran began the discussion concerning implementation of a mitigation measure that obligates the Terrace project developer, O'Brien Land Company, LLC, to install a traffic signal at the Deer Hill Road and Brown Avenue intersection. In response to emails he received asking why the traffic signal was being discussed by the council while litigation was pending, Moran said the project had been

through the full review process and approved. Moving to implementation, he said, was "basically administration on what's already been approved."

In August 2002 the CEQA findings, mitigation and other aspects of the Terrace application were deemed adequate by the council, upholding an earlier decision of approval by the Planning Commission in June. Attorney Rob Hodil confirmed that the mitigation measure was previously approved and includes an agreement with Save Lafayette stipulating the group will be notified 30 days prior to any visible construction at the site. The one-month time frame would allow Save Lafayette to file a stop work injunction if they chose to do so upon notification.

Asked during a public comment period what would happen if installation of the signal had begun or was completed and the development project falls through or litigation prevents its completion, Hodil said such an occurrence was unlikely. He said the developer bears all costs other than city inspections and was

unlikely to invest the money and initiate the work involved in construction and installation the signal with litigation or any injunctions pending.

All of the public comments during the April 12 Zoom meeting spoke to preventing, or at the very least, allowing time for more consideration. Several people asked about a round-about option that had been considered, but not selected. Council reiterated the rationale for a signal, the availability of a prior public comment period and the 2020 approval of the overall project with the signal as a mitigating element. The council voted unanimously to approve implementing the mitigation agreement.

Turning to action in the downtown core, an immediate vote to approve the replacement of 21 duet and 7 public refuse receptacles with Bigbelly units – which utilize technology to increase efficiency with sensor-equipped waste and recycling stations – was deferred after Council Member Anduri questioned if enough time had been devoted to the decision.

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