

# Candell to recuse from Deer Hill project, three others reject call to recuse

By Pippa Fisher

The Feb. 25 city council meeting got off to a somewhat scripted start with four of the five city council members reading statements – one recusing herself and three others stating their intention not to recuse – as advised by legal counsel on any future discussion or decisions on the Terraces project.

The Terraces, the controversial 315-unit apartment project on a 22-acre parcel on Deer Hill Road, is expected to come before the city for approval this spring.

The development was first proposed in March 2011 but its application was suspended in 2014 in favor of alternative plans for a scaled back development of 44 single-family homes, a dog park, a playing field, a playground and tot lot. Local preservationist group Save Lafayette sued the city resulting in a referendum last June on the future of the revised project. With the defeat of Measure L, the developer O'Brien Homes resumed the original application for the apartments.

The council members' statements were read during the report from the closed session meeting and came following a barrage of letters from the developer's attorney Bryan Wenter of Miller Starr Regalia calling for Council Member Susan Candell to recuse herself from all matters concerning the Terraces, citing as a conflict her "long history actively opposing our clients' proposed 315-unit affordable apart-

ment project in Lafayette and even expressing personal hostility to our clients," in a letter to the city's attorney Robert Hodil of Coblenz, Patch, Duffy and Bass dated Dec. 5, 2018.

Candell, whose springboard to running for office was her involvement opposing first the apartments and then the homes, expressed great disappointment as she announced her recusal on the advice of her private attorney but noted that she retained the right to speak as a member of the public.

Candell pointed out after the meeting, "I was the number one vote getter, but yet, I'm now in the position that I am advised that I cannot represent Lafayette residents in a very important land use decision. I cannot express my disappointment enough."

Candell said that she worked hard to try to retain her rights to not recuse. "I believe my positions were and are based on legitimate principles and that I do not have an improper bias or motive towards the project. I also worked equally as hard to retain my rights to participate as a citizen, which they also tried to take away. According to the FPPC, I did retain my private citizen rights similar to those I would have if I had a financial conflict (which I do not have). I will work within these limitations. However, I will also retain my rights to consider and pursue all legal options."

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# Council to keep talking gas safety; plans second meeting with PG&E, community and CPUC



Photo Pippa Fisher

**Bollards remain in place where PG&E has been working to bury exposed pipeline along the Lafayette-Moraga Trail.**

By Pippa Fisher

The Lafayette City Council spent a short time at their Feb. 25 meeting discussing next steps in the formation of a safety task force and what exactly that might look like. The subject will be on the March 11 meeting agenda.

Gina Dawson, co-founder with her husband Michael Dawson of Save Lafayette Trees, was disappointed that the item was included in the February meeting only as a continuation on the consent calendar.

SLT, a local organization which formed in 2017 in an attempt to stop Pacific Gas and Electric Company's planned tree removal program, which the utility wants to do as part of their Pipeline Safety Initiative since it claims the roots damage underground high transmission pipes and hinder emergency access, has been pushing for the formation of a safety task force with the idea that it would work with the city, the utility and the California Public Utilities Commission. Initially SLT involvement centered around planned tree removal, but it led the Dawsons to be increasingly concerned about a wider scope of pipeline safety issues. SLT is currently suing the city and the utility.

But should the city form a task force headed by the people who are currently suing them? What would such a task force

look like?

City attorney Mala Subramanian advised against having members of SLT on such a task force. And Mayor Cam Burks advised caution regarding the city taking it upon themselves to set up any type of regulatory body.

"The Dawson's have done a lot for the community in this space, and I am grateful for their efforts," Burks said later, but added, "We need to be careful as a city to not represent ourselves – or even give the appearance of representing ourselves – as an oversight or regulatory body when it comes to pipeline safety as we don't have the subject matter expertise to do so, and we certainly don't have a state mandate or authorities as a regulatory body in this space."

Gina Dawson is frustrated. "The city's consistent kicking of the pipeline safety can down the road is frustrating," she said. "The news ... from the city attorney that Save Lafayette Trees members could not be appointed to the task force because of pending litigation was surprising as this item has been on the agenda for many past council meetings. We sent initial purpose and proposal to the city a month ago and we've been discussing draft charters for the task force in good faith with Vice Mayor Mike Anderson since last summer – we're appreciative of his efforts."

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<b>LOWEST PRICE SOLD</b>	\$650,000	\$706,000	\$740,000	\$675,000	\$745,000	\$800,000
<b>HIGHEST PRICE SOLD</b>	\$3,900,000	\$12,250,000	\$6,500,000	\$7,800,000	\$2,750,000	\$3,500,000
<b>AVERAGE SALES PRICE</b>	\$1,617,000	\$1,730,000	\$1,625,000	\$1,737,000	\$1,391,000	\$1,489,000

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