

**CITY OF PLEASANTON
CITY COUNCIL MEETING MINUTES
February 2, 2021**

*This meeting was conducted in accordance with Governor Newsom's
Executive Order N-25-20 COVID-19 pandemic protocols.*

SPECIAL MEETING

Mayor Brown called the teleconferenced special meeting of the City Council from various remote locations to order at the hour of 6:30 p.m.

ROLL CALL

Present: Councilmembers Arkin, Balch, Narum, Testa, Mayor Brown

Absent: None

PUBLIC COMMENT – None

ADJOURN TO CLOSED SESSION FOR THE FOLLOWING:

Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: one case

ADJOURNMENT – The special meeting adjourned at 6:56 p.m.

REGULAR MEETING

Mayor Brown called the teleconferenced regular meeting of the City Council from various remote locations to order at the hour of 7:00 p.m. Councilmember Balch led the Pledge of Allegiance and provided opening remarks.

ROLL CALL

Present: Councilmembers Arkin, Balch, Narum, Testa, Mayor Brown

Absent: None

CLOSED SESSION REPORT

City Attorney Dan Sodergren reported he was authorized by City Council to begin litigation. He advised the details will be provided at the time of filing.

AGENDA AMENDMENTS

Councilmember Balch requested Item 2 be continued until after the Legislative Committee has met to discuss it.

In response to Councilmember Testa's inquiries, City Attorney Sodergren stated it is best for anyone intending to comment on this Item to hold those comments until the meeting where it is being considered now that it has been continued. He added those comments could still be made during public comments.

Vice Mayor Testa requested Item 3 be moved to regular agenda.

CONSENT CALENDAR

City Manager

1. Approved minutes of December 15, 2020
2. **Continued to a future date** - Review information regarding the California Cities for Local Control (CCLC) coalition and consider adopting a resolution expressing support for actions to further strengthen local democracy, authority, and control as related to local zoning and housing issues; and assuming the Council's support and approval provide the adopted resolution to the Cities for Local Control coalition for use in their State advocacy efforts
3. **Removed from Consent and moved to Item 12** - Review information regarding the California state Governor's budget measure to add a Housing Accountability Unit to the Department of Housing and Community Development (HCD) and authorize the Mayor to send a letter of response to this measure

Community Development Department

4. Actions of the Zoning Administrator and Planning Commission
5. Adopted and waived second reading of **Ordinance No. 2212** amending Title 11, Chapter 11.20, Section 11.20.010 of the Pleasanton Municipal Code to set and revise speed limits on portions of Stoneridge Drive between Stoneridge Mall Road and Johnson Drive and between Johnson Drive and Hopyard Road from 45 MPH to 40 MPH

Engineering

6. Accepted public improvements performed by CWS Construction Group, Inc. for the Pleasanton Library Staff Office and Storage Area Remodel Project, CIP No. 17750, authorized the City Clerk to file a Notice of Completion; payment of the retention in the amount of \$48,400, and the transfer of the project's remaining balance of \$157,856 to the fund's respective sources with \$143,820 returned to the Park CIP General Fund and \$14,036 returned to the Park Development Impact Fees Fund
7. Accepted public improvements for the Fire Station No. 4 Repairs Project, CIP No. 11429, authorized the City Clerk to file a Notice of Completion, and the transfer of the project balance of \$22,284 to the MISC CIP General Fund Balance – Fund 201

Library and Recreation

8. Approved an increase of \$41,000 for a total not to exceed \$140,000 to each of the sole source purchase orders with e-book and e-audiobook vendor Overdrive (Libby) and audiobook, music and video streaming vendor Midwest Tape (Hoopla)
9. Approved and authorized the City Manager to execute an agreement with RRM Design Group in the amount of \$105,335 to prepare the All-Abilities Playground Master Plan, CIP Project No. 20773 and for the City Manager to execute a contract amendment for up to \$10,000 for additional design services if necessary

MOTION: It was m/s by Narum/Testa to approve the Consent Calendar as recommended and as noted. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Balch, Narum, Testa, Mayor Brown
Noes: None
Absent: None

MEETING OPEN TO THE PUBLIC

10. Public Comment regarding items not listed on the agenda

Jocelyn Combs expressed opposition to Item 2 and the CCLC coalition in general. She praised the state's recent legislation on Accessory Dwelling Units (ADU) for making it financially viable for her to build one and spoke about the City's difficult process.

Matt Maciel expressed support for City Council attempting to maintain as much local control as possible during the ADU discussion at the last meeting and believes aligning with the CCLC coalition is good for the City.

Becky Dennis expressed opposition to adopting the CCLC resolution and suggested it would sign the City up for tactics proven not to work. She expressed concern that a majority of the Council is listed as endorsers on the CCLC website and have violated the Brown Act's prohibition on serial meetings. She stated the City can no longer delay the need to address the affordable housing issues created by Pleasanton's financial success.

In response to Councilmember Testa's inquiry, City Attorney Sodergren said he could not speculate on any potential Brown Act violations without knowing the level of communication between Councilmembers.

Vittoria Tommasini requested the Council take steps to better enforce Alameda County's mask mandate echoing the priorities of the new science-driven Presidential administration. She noted several Bay Area cities have a system of fines and citations for non-compliance.

In response to Vice Mayor Testa's inquiry, City Attorney Sodergren confirmed City Council chose not to agendize the item.

Douglas Miller praised staff's work in improving Pleasanton Pioneer Cemetery to make it the most beautiful park in town.

PUBLIC HEARINGS AND OTHER MATTERS

11. Provided direction on City Council priority "Continue to Participate with Regional Agencies on Studies of Water Supply Alternatives Including Potable Reuse", CIP 18151 funding allocation of \$300,000 for Tri-Valley Potable Reuse Studies, and authorized the City Manager to inform regional agencies of City Council action

Director of Operations and Water Utilities Kathleen Yurchak reported the Tri-Valley Water Liaison Committee (TVWLC) was established in 2014 with representatives from the Zone 7 Water Agency, California Water Service, Dublin San Ramon Services District (DSRSD), and the cities of Livermore, Pleasanton, and San Ramon. She advised the outcome was the formation of the Tri-Valley Intergovernmental Reciprocal Master Agreement for better coordination with the intent to save money and streamline processes.

Director Yurchak reported that during the 2015 drought the TVWLC focused its efforts on long-term water supply reliability. She added the goals were set, not only because of the drought and climate change disruptions to the Delta but also because the State Water Project annual allocations progressively decreased. She reported options to improve long-term water supply

reliability were the Delta Conveyance (previously referred to as the California Water Fix), regional desalination, potable reuse, the Sites Reservoir, water transfers, and water storage with the expansion of the Los Vaqueros Reservoir. The 2014-16 drought created the emphasis on self-sufficiency as the City only received 5% of its requested allocation from the State Water Project at the drought's height. She reported the TVWLC supported a more detailed study of potable reuse in February 2016 with Council approving a Task Order in October 2016. She noted the Council prioritized Potable Reuse Study in 2017 in collaboration with regional agencies for 2018. The joint study was completed in May 2018 demonstrated potable reuse is technically feasible. Council authorized staff to coordinate with TVWLC to explore additional uses of potable reuse technologies, and periodically update the Council. Council prioritized the continuation of the work plan for 2019-20, allocating \$300,000 in Capital Improvement Program No. 18151 to fund the studies. Zone 7 reaffirmed the need to pursue options to enhance the area's long-term supply reliability in 2019 and noted public outreach and water supply studies are ongoing.

Director Yurchak reported that since determining potable reuse was feasible, the supply and technical investigation studies have been ongoing, but a decision needs to be made. She advised the options are to either eliminate the City's continued participation with the regional agencies on the potable reuse studies and reallocate funds towards Per- and Polyfluorinated Substances (PFAS) treatment or make no changes.

In response to Councilmember Balch's inquiries, Director Yurchak clarified during the 2014-16 drought Zone 7's allotment fluctuated from nearly 0% up to 5% of its regular allocation which typically averages 10% and that Zone 7 receives 2% of the State Water Project supply overall.

In response to Councilmember Balch's inquiries, Director Yurchak clarified PFAS was unknown when the 2016-18 Feasibility Study was conducted. She advised some of the upcoming studies could investigate how injecting water into the groundwater could affect PFAS in Pleasanton's groundwater basin. She confirmed hydrology would be studied further to see how PFAS infiltrates the groundwater. She confirmed all the other TVWLC agencies have funded their portion of the studies other than the California Water Service. She added the California Water Service was not unexpected among the other agencies because it has less flexibility in funding local projects. Lastly, she confirmed Pleasanton was represented by Mayor Brown and Councilmember Narum at the 2019 TVWLC meeting which approved the potable reuse studies, and the Council was unanimous in its support of those studies.

In response to Vice Mayor Testa's inquiry, Director Yurchak confirmed potable reuse is the costliest water supply option based on the 2018 study. She explained what makes potable reuse unique is the City has local control over the supply whereas Delta Conveyance is part of the State Water Project. She advised desalination requires having seawater piped in and noted Sites Reservoir would be another infrastructure project. She noted Zone 7 has taken the lead in the other studies, but the Potable Reuse Study was specific to the Tri-Valley because of the local water supply source.

In response to Vice Mayor Testa's inquiry, Director Yurchak clarified the intent of the community outreach is to discuss the water supply challenges facing the Tri-Valley and to educate the community about those challenges during dry years.

In response to Councilmember Narum's inquiries, Director Yurchak confirmed some of the studies will look at the use of recycled water through Livermore's and DSRSD's wastewater treatment plants. She commented that with the emergence of PFAS regulators are looking at Pleasanton's wastewater treatment facilities and PFAS's impact on groundwater sources. She added DSRSD's data is just starting to come in and Livermore has not been required to do testing and sampling yet.

In response to Councilmember Narum's inquiry, Director Yurchak confirmed the City will learn about its groundwater from this study. She noted potable reuse is using highly purified water which could be used in either groundwater recharge or raw water augmentation with both options being considered.

In response to Councilmember Narum's inquiries, Director Yurchak confirmed the 2018 Council vote to continue the potable reuse studies was unanimous. She also confirmed the Council is not currently voting on potable reuse and merely the continuation of funding for the study. She stated they are still in the data-collection phase so there is no commitment to potable reuse at this time. She confirmed the "off-ramp" following the study's completion was agreed to by all partners of the Tri-Valley Water Roundtable.

In response to Councilmember Narum's inquiries, Director Yurchak confirmed Zone 7 is the State-designated groundwater manager in the Tri-Valley giving Zone 7 jurisdiction over Pleasanton's groundwater.

Councilmember Narum stated Zone 7 has been wonderful collaborators with the City in the past but wanted to note they have the ultimate responsibility for Pleasanton's groundwater.

In response to Councilmember Arkin's inquiries, Director Yurchak confirmed the \$300,000 is entirely for efforts looking forward and not retroactively. She added the estimate specifically for the Potable Reuse Study is \$250,000 and confirmed this study is strictly focused on potable reuse.

In response to Councilmember Arkin's inquiries, City Manager Nelson Fialho clarified the General Plan passage cited continues with "which could adversely affect or have potentially negative impacts, on drinking water, surface water, and groundwater resources." He stated this is what the study is intending to answer and the logic behind participating in the study. He advised looking at passages of the General Plan in their full context. He confirmed this study only related to potable reuse because Zone 7 has jurisdiction for evaluating other supply alternatives. He added Zone 7 is currently in the process of evaluating other options such as California Water Fix and the distinction with potable reuse is it is a local resource controlled by the City in cooperation with its neighbors which is why the City is so directly involved in potable reuse options as opposed to others.

Mayor Brown stated her interpretation of General Plan 3.1 differs. In response to Mayor Brown's inquiry, City Manager Fialho explained the passage is in the staff report but not the presentation because there are some conflicting programs and policies that are subject to interpretation. He commented that calling one side out without calling the other side out did not seem like the right thing for staff to do.

City Attorney Sodergren explained the Council has broad discretion to interpret the General Plan. He added it is not uncommon for General Plans to have competing policies and goals and the Council holds broad legal discretion to interpret those competing policies.

In response to Mayor Brown's inquiries, Director Yurchak said the question of water sourcing in dry summer months has come to Council before and the answer was there is a storage opportunity albeit a costly one. She added the other consideration is groundwater depletion being recharged by wastewater for storage. Storage is an important component of the potable reuse study and confirmed the aquifer is a storage option.

In response to Mayor Brown's inquiry, Deputy Director of Utility Services Daniel Repp stated storage systems would be a safeguard in case of aquifer contamination. He added the level of

treatment makes the purified water safe, but the City would still maintain safeguards. He confirmed there is potential for catastrophe if it got into the aquifer.

In response to Mayor Brown's inquiry, Director Yurchak stated she did not include the public support for Measure J in the staff report because the focus was on the Council's priority and the studies. She added they are not at the point of moving forward with the Potable Reuse Project but merely studying it.

In response to Mayor Brown's inquiry, City Manager Fialho expressed his opinion that the question of whether the discovery of PFAS should change priorities is one for the Council to consider and not staff.

In response to Mayor Brown's inquiries, Director Yurchak confirmed Pleasanton is Zone 7's largest water reseller and that the studies account for an ongoing decrease in wastewater due to home technology advances like high efficiency washing machines. She they receive complaints from residents about the water quality and inquire with Zone 7 about them. She also confirmed it can vary depending on the time of year and the seasonal water source.

In response to Mayor Brown's inquiry, Director Yurchak could not immediately provide the cost of a potable reuse system and its various options. Mayor Brown stated a 2018 staff report estimated the cost at \$222 million. Director of Operations and Water Utilities Yurchak stated potable reuse came in as between \$2,200-2,500 per acre-foot. Mayor Brown commented the current cost is \$640 per acre-foot and the California Water Fix is \$740.

In response to Councilmember Balch's inquiries, Director Yurchak confirmed this Item is about continuing the \$300,000 study and not purchasing a \$222 million system. She also confirmed they are not making decisions today on future costs associated with potable reuse.

Mayor Brown opened public comment.

Angela Ramirez Holmes stated she joined the Zone 7 Board of Directors to help foster relationships with retailers like her hometown of Pleasanton which has led savings to customers through collaboration between retailers. She stated that while she is unsure about potable reuse there is a due diligence responsibility to research this requested local option. She noted the Council unanimously approved considering this research in 2018 and asked the Council to follow through on its commitment and good faith negotiation alongside its regional partners to study this locally controlled option.

Olivia Sanwong concurred with Ms. Ramirez and noted she ran for the Zone 7 board because she believes in collective partnerships for the region's good and shared groundwater basin. She stated Zone 7 has the authority to proceed without Pleasanton but would rather do so with her hometown's input. She stated she has no opinion yet on potable reuse but urged the City to continue to be part of the conversation once the study is completed. She added there have been multiple droughts since the General Plan was written and with more forecasted the potable reuse option should be considered.

In response to Mayor Brown's inquiry, Ms. Sanwong clarified her recent "no" vote on Zone 7's Delta Conveyance Project by stating it was to allow more time to assess the differences between former Governor Brown's twin-tunnel proposal and current Governor Newsom's single-tunnel proposal, and to provide more time for the community to be heard.

Matt Maciel expressed his hesitancy as a resident about using potable reuse water and encouraged the Council to spend the money elsewhere.

Mayor Brown closed public comment.

In response to Vice Mayor Testa's inquiry, Director Yurchak confirmed Zone 7 is continuing to study all supply options including desalinization. She added there was no priority given to any of the supply options.

In response to Mayor Brown's inquiry, Director Yurchak confirmed the \$300,000 study being discussed is specifically for potable reuse because that is the only local supply option and was seen at the time as a shared responsibility. She reiterated that Zone 7 is paying for the studies on other options.

In response to Councilmember Balch's inquiries, Director Yurchak confirmed studies of the reliability of the aquifer, management of the aquifer, and PFAS are included in the \$300,000, providing knowledge benefits besides just potable reuse. She confirmed the potable reuse component is intertwined with the other elements so she cannot provide a percentage of the \$300,000 specifically for potable reuse.

In response to Councilmember Balch's inquiry, City Manager Fialho confirmed the ratepayers are paying for Zone 7's desalinization efforts mainly through rate recoveries and impact fees. He added what makes this matter different is the City has been asked to partly contribute to a regional effort because it is the City's resource. Director Yurchak confirmed the study would benefit the entire region and not just the City.

Mayor Brown referenced a 2020 staff report with \$1 million in expenses noting there was \$200,000 allocated to communication efforts.

Councilmember Arkin moved to reallocate the \$300,000 towards PFAS. Vice Mayor Testa seconded the motion.

Councilmember Balch stated his surprise the Council is not unanimously supporting the study to advance science and knowledge. He stated his understanding of the Council's many valid concerns and decried the previous Council for punting the matter to voters in 2000. He added his concerns about not supporting science noting global warming is a known entity and water supplies are accordingly ebbing and flowing. He expressed concern the Council would not take an action to further understand the aquifer. He clarified that does not mean he supports potable reuse and believes that will be a vote which will be years in the future.

Councilmember Balch made a substitute motion to not alter the City's course. Councilmember Narum seconded the motion.

Councilmember Narum commented she is not in any way ready to sign up for potable reuse. She noted the Tri-Valley water groups were formed as a response to the drought and residents calling for action on water supply reliability, being less dependent on the State, and conservation. Council moved forward unanimously with studying the matter and noted it was done in good faith with City partners. She echoed Councilmember Balch's point of there being far more to the study than merely potable reuse as it will provide the ability to make informed decisions in the future.

Councilmember Narum questioned why the City would not honor its commitment to its regional partners noted it is important to have a seat at the table. She expressed her supported for the study and she believes honoring the commitment is the right thing to do. She stated her surprise the City would not want a seat at the table or to be a part of getting this information.

Mayor Brown commented on her surprise at Councilmember Balch's surprise and noted in 2018 they were asked at the Water Roundtable to vote for diversification or nothing. She advised voting

for diversification was the obvious choice to ensure Zone 7 looked at other supplies of safe drinking water. She cited the 72.3% support for Measure J as evidence the residents were heavily against potable reuse. She stated science also brought PFAS, so it is not always wonderful. She expressed her support for Zone 7 looking into the Delta Conveyance to bring snowmelt into the Tri-Valley.

Mayor Brown questioned why neighboring communities have higher quality water than Pleasanton. She stated the City's water supplier should fight for a diversified water supply which was the point of the Roundtable. She stated she would not want to feed a newborn baby potable reused water. She believes the residents want better water quality and they deserve it. She listed a series of ways \$300,000 could better serve residents and noted her surprise anyone would say anything other than focusing on PFAS and cleaning the City's wells.

City Attorney Sodergren advised voting on the substitute motion first.

Councilmember Balch agreed with Mayor Brown's quest for better drinking water and expressed his appreciation for her passion towards that goal. He added the \$300,000 is to improve the overall water reliability, quality, and management including PFAS-related issues. He commented they are working towards the same goal which is improved water reliability and will be voting for the item.

Mayor Brown advised the \$300,000 request was done in 2018 before the City knew about the PFAS issues. Councilmember Balch stated the 2018 staff report mentions PFAS and his goal is to eliminate drinking water issues.

Councilmember Arkin expressed her continued opposition to potable reuse due to costs and health concerns which are acknowledged by science. She noted her interpretation of the General Plan as forbidding potable reuse. She added the main concern right now is PFAS and stated this money should be put towards PFAS. She commended Zone 7 for looking at other options such as desalinization but stated potable reuse is different. She cited pandemic recovery for businesses as a better and more urgent use for the money. She stated the study is unnecessary because other options exist which are worth studying.

Vice Mayor Testa noted her surprise that Councilmembers would suggest \$300,000 should be spent unnecessarily. She stated this action would express support for potable reuse when she has no support for it and thus views this expenditure as unjustifiable.

Councilmember Narum expressed her desire for good quality drinking water and reiterated it is a priority to her and Councilmember Balch. She stated regarding the 2000 Measure J vote, both she and Mayor Brown are on the record in 2018 saying they would want to go to the ballot again for an advisory vote if potable reuse were ever revisited. She noted the money is from the Water Enterprise Fund and expressed her belief it cannot be spent on other matters previously expressed in the discussion such as pandemic relief. She stated \$300,000 is a drop in the bucket relative to the \$25-40 million anticipated PFAS expenses and is a small price to pay if the study finds benefits. She reiterated her support for the study and honoring the City's commitment to its regional partners. She stated she would be disappointed if the City does not honor its commitment.

Mayor Brown stated PFAS changes commitments.

MOTION: It was m/s by Balch/Narum to continue to participate with regional agencies on studies of water supply alternatives including potable reuse. Motion failed by the following vote:

Ayes: Councilmembers Balch, Narum
Noes: Councilmembers Arkin, Testa, Mayor Brown
Absent: None

MOTION: It was m/s by Arkin/Testa to cease participation with regional agencies on studies of water supply alternatives including potable reuse; reallocate CIP 18151 funding allocation of \$300,000 from Tri-Valley potable reuse studies to per- and polyfluoroalkyl substances removal; and authorize the City Manager to inform regional agencies of City Council action. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Testa, Mayor Brown
Noes: Councilmembers Balch, Narum
Absent: None

12. Reviewed information regarding the California state Governor's budget measure to add a Housing Accountability Unit (HAU) to the Department of Housing and Community Development (HCD) and authorize the Mayor to send a letter of response to this measure

Assistant to the City Manager Becky Hopkins reported the City has adopted a Legislative Framework against which all State budget and legislative matters are vetted. She noted Governor Newsom submitted a \$227.2 billion budget on January 8th which included the creation of an HAU at the HCD to further facilitate affordable housing production through monitoring, technical assistance, and the enforcement of existing housing production laws. She Hopkins advised of additional support to cities and counties around implementing new housing bills through technical assistance which would be a benefit to the City. She added the budget measure does not impede on the City's local control as the City complies with state laws and follows regulations set forth by HCD and noted additional monitoring is not a concern.

Assistant to the City Manager Hopkins advised accountability is crucial at all levels of government and noted the Governor's narrative in the budgetary statement held an adversarial tone towards municipalities. She stated Pleasanton has demonstrated a history of working together with the State and complying with state laws.

Assistant to the City Manager Hopkins noted the attached letter to the report speaks for the desire for a more collaborative approach. She added the letter identifies that the proposed HAU aligns with the City's Legislative Framework and addresses the tone and tenor of the Governor's statement.

Assistant to the City Manager Hopkins advised staff's recommendation is for the Council to review the information regarding adding an HAU to the HCD and authorize Mayor Brown to send a letter of response to the measure.

In response to Vice Mayor Testa's inquiry, Assistant to the City Manager Hopkins stated it was requested this Item be brought for Council consideration under Matters Initiated by Council and not through an agenda item. She added it is staff's due diligence to vet the item through the adopted Legislative Framework and this is what was provided. She stated the Council is welcome to provide a different letter and provide input now that it has been agenda item, but this is an analysis of the item based on the City's Legislative Framework.

In response to Mayor Brown's inquiry, Vice Mayor Testa expressed opposition to a letter expressing the City's support for the HAU.

In response to Councilmember Balch's inquiries, Assistant to the City Manager Hopkins clarified the Governor's budget is the funding mechanism and needs to pass both houses. She confirmed

this is simply the proposed budget and there remains a long process with many opportunities for revision before a final version is approved.

In response to Councilmember Balch's inquiry, Assistant to the City Manager Hopkins confirmed the HAU will be providing technical assistance and other items which would benefit the City's staff.

In response to Councilmember Balch's earlier inquiry, Niccolo DeLuca, Senior Director at Townsend Public Affairs, confirmed this is a part of the Governor's proposal and must go through a long process before passage in June.

In response to Councilmember Narum's inquiry, Mr. DeLuca could not confirm if the HAU had been previously approved and the Governor is simply attempting to fund it now.

In response to Vice Mayor Testa's inquiry, Mr. DeLuca advised meetings are already public and some communities have concerns based on the Governor's statement. He noted some communities are comparing the Governor's budgetary language to a previous slip-up over his remarks on high-speed rail which were later clarified. Mr. DeLuca suggested working together to help Pleasanton through this proposal and noted there have been multiple differing reactions from other cities.

In response to Vice Mayor Testa's inquiry, Mr. DeLuca stated the Governor's proposed budget includes about \$650 million for affordable housing. He added this does not include Assembly proposals to fund affordable housing citing Assembly Bill 71 which is in the billions. He added the Senate has been amiable to helping cities address homelessness and affordable housing but does not yet have a proposal.

In response to Mayor Brown's inquiry, Mr. DeLuca stated he cannot speculate on the intent behind the Governor's antagonistic statement. He noted he can understand the point of view on the statement from cities. He advised, based on the City's Legislative Framework, it is wiser to send a letter asking how they can work together.

Mayor Brown noted Pleasanton has an approved Housing Element which should be in the letter.

In response to Councilmember Balch's inquiry, Mr. DeLuca advised the draft letter would be helpful. He stated their tact has been to be selective on focused bills to receive extra effort and credited staff for its diligent work on previous letters. He added their preference is to be thoughtful and when they do weigh in, to stress Pleasanton's uniqueness.

In response to Vice Mayor Testa's inquiry, Mr. DeLuca stated he could not confirm the overall cost of meeting affordable housing mandates statewide. He added there is also Senate Bill 5 which is a new affordable housing bond being introduced this year to help cities fund affordable housing to meet their Regional Housing Needs Allocation (RHNA) numbers.

Mayor Brown opened public comment.

Becky Dennis believes the Council is more aligned with the CCLC's perspective in taking an adversarial tone with the State. She cautioned against taking this tone, citing the expense and reputation hit from the failed Urban Habitat v. City of Pleasanton lawsuit.

Mayor Brown closed public comment.

Vice Mayor Testa suggested staff to rewrite the letter and requested the Legislative subcommittee discuss a different letter at its next meeting.

Councilmember Narum expressed her opinion the Governor's language and tone were regrettable. She stated none of the Councilmembers are intending to knowingly violate state housing laws. She did not understand why political capital would be expended on this matter when there are bigger matters such as Senate Bill 9 and Senate Bill 10. She noted all agendas and staff reports are on the internet and easily findable along with being televised and available on YouTube. She commented anyone who wants to check on the Council can do it as they are not hiding. She advised she cannot support the item and spending the City's political capital in this way given the City intends to comply with the state housing laws.

Councilmember Arkin commented she is in favor of a letter being sent but not the one submitted by staff. She expressed support for some portions of the letter and noted it is unnecessary to chastise the Governor for the tone of his statement in the letter. She expressed her belief the State can find a better use for the \$4.3 million proposed for the HAU, echoing comments from Councilmembers Balch and Narum about the meetings being public. She stated the approach is creating animosity.

Councilmember Balch advised it is a difficult decision because he did not expect Mr. DeLuca to recommend a letter be sent. He stated he believes it is unwise to send a letter and "take the bait" of this statement while releasing a budget. He believes it is unwise to rile up the entire City government over the statement.

Councilmember Balch suggested signing the letter with a straight face as a Council identifying real housing solutions based upon votes banning second-story accessory dwelling units (ADU) at the last meeting. Lastly, he feels Council's actions should show what is stated in the letter.

In response to Mayor Brown's inquiry, Mr. DeLuca confirmed that if the letter came back to the next City Council meeting on February 16, the timing would still be fine.

Mayor Brown expressed her approval for the concept of a letter. She countered Ms. Dennis' comments about the lawsuit by stating it was 15 years ago and it overrode a housing cap approved by voters. She defended her voting record by citing 100% certified Housing Elements since the lawsuit and could defend signing the letter with a straight face. She noted second story ADUs were not required by the State. She stated the letter's context is strong and important in working collaboratively to eliminate unfunded mandates. She believes the letter's tone should be that the City intends to comply with RHNA and other housing matters.

Mayor Brown suggested staff with the Legislative Subcommittee to either modify the letter or recommend not sending it. She stated the City should have its voice heard just as residents express their opinions to the Council.

Councilmember Balch stated his agreement with Mayor Brown's opinion that taking the matter to the Legislative Committee is a wise move. He added the budget is not finished and expressed his hope Pleasanton' representatives in the Senate and Assembly will elevate the City's concerns. He stated his belief there is ample time as this is just the first month of what is typically a 5-to-6-month process and agreed with Councilmember Arkin's assessment of many better uses for this money.

Vice Mayor Testa stated the incoming housing legislation is why the City needs to send a message in response to the Governor's adversarial message. She added she would like an opportunity to educate the community on what is going on with SB 9 and SB 10 noting the local surprise over the ADU legislation. She expressed her belief the residents want the City to stand up to these bills and others including this year's RHNA numbers.

City Manager Fialho stated the subcommittee meets on Thursday. He added the typical procedure is for the committee to take these comments and help staff frame the letter for the Council.

MOTION: It was m/s by Arkin/Brown to have staff return with a revised letter on February 16th, taking into consideration Council comments and input from the Legislative Subcommittee. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Balch, Narum, Testa, Mayor Brown
Noes: None
Absent: None

MATTERS INITIATED BY COUNCIL

Vice Mayor Testa requested to agendaize a discussion on more stringent mask enforcement. Councilmembers Arkin and Balch supported the request.

Councilmember Arkin requested an agenda item to adopt a resolution of support for the Alameda County Coalition for Fair Redistricting. Vice Mayor Testa and Mayor Brown supported the request.

COUNCIL REPORTS

Councilmember Narum stated she is attending the Rosamond Central Solar ribbon-cutting tomorrow which is a 192-megawatt project coming online in Kern County that will provide clean energy to 71,000 East Bay homes per year. She reported attendance at the League of California Cities meeting.

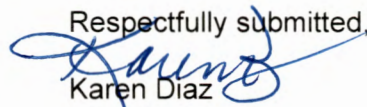
Councilmember Balch reported attendance at the League of California Cities meeting. He mentioned StopWaste has some upcoming meetings, and its Recycling Board has a pair of openings if any residents are interested. He reported attendance at the Economic Vitality Committee meeting, the Martin Luther King breakfast, the Chamber of Commerce installation, the Audit Subcommittee meeting, and the Pleasanton Partnership in Education luncheon. He encouraged attendance at the Museum on Main's Annual Wines & Valentines event.

Vice Mayor Testa reported attendance at the Tri-Valley Affordable Housing Committee meeting, the Association of Bay Area Governments Executive Committee meeting, and the League of California Cities East Bay Division meeting. She noted attendance at the Martin Luther King breakfast, the PPIE luncheon, and the League of California Cities Housing and Community Development meeting.

Mayor Brown reported participation in TV30 Mayor's Report and attendance at the PPIE luncheon. She reported she had been doing a series of 10-minute videos with downtown shop owners to highlight and promote local businesses by telling their stories.

Councilmember Arkin reported attendance at the League of California Cities meeting, PPIE luncheon, Planning Commission applicant interviews, and the Martin Luther King breakfast. She praised Amador Valley High School graduate Jonathan Epps for his keynote speech.

ADJOURNMENT - There being no further business, Councilmember Balch adjourned the meeting at 10:09 p.m., with a tribute to men and women serving in the military, honoring the memories of those who have died in defense of our country.

Respectfully submitted,

Karen Diaz
City Clerk