



**City of Lafayette**  
**Agenda**  
**Creeks Committee**  
**Regular Meeting**

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Date: Wednesday, April 20, 2022

Time: 7-9 pm

Location: **Teleconference Meeting** Via Zoom / YouTube

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To protect public health, this meeting is being held in accordance with AB 361, Government Code section 54954(e)(1)(A). Given the proclaimed state of emergency and the Contra Costa County Health Officer's recommendation for social distancing for public meetings, which is also consistent with Cal OSHA requirements for social distancing, the City will be conducting public meetings via video/teleconferencing and there will be no physical location available for this meeting. To participate in the City of Lafayette's public meetings and provide public comment during the COVID-19 public health emergency, please follow these steps:

- 1) **Watch or Listen:** Join the meeting via the Zoom link in the online agenda. To participate in the City of Lafayette's public meetings and provide public comment during the Covid-19 public health emergency, members of the public need to download the Zoom app or software. Zoom meetings can be accessed by telephone, computer, or smart device.
- 2) **Live Remote Public Comments:** Members of the public may provide a live audio public comment via Zoom conferencing by using the link provided in the meeting agenda. When the Chair invites public comment on the item, please use the "raise hand" feature (or press \*9 if connecting via telephone only) to alert staff you have a public comment to provide.
- 3) **Join the Teleconference Meeting Remotely:** At the time and date of the teleconference meeting, use these links to remotely join the meeting:

**Zoom Webinar Link:**

<https://us02web.zoom.us/j/82844242243?pwd=OTUzeWVob3pGNUdBBeWpmQmJLaDQ5Zz09>

**Passcode:** 129071

**Webinar ID:** 828 4424 2243

**Telephone:** 1 669 900 9128

**Meeting Agenda starts on page 2**

1. Call to Order (7:00 pm)
2. Roll Call
3. Adoption of Agenda
4. Public Comments
5. Action Agenda
  - a. Approval of action agenda from February 16, 2022 meeting
6. New Business (7:10 pm)
  - a. Discuss the idea of installing *Ursus*, the recycled bear, at the 1<sup>st</sup> Street Rain Garden site
  - b. Discuss Gazebo Park proposal and its relationship to proposed and ongoing creek projects at that site
  - c. Discuss spending Creeks Committee annual budget funds
7. Old Business
  - a. Discuss forming an ad hoc subcommittee to work with Public Art Committee on developing public art along Lafayette's Creeks
  - b. Update on Eagle Scout project to install creek signage
  - c. Update of creek cleanup day as part of a Lafayette annual Community Service Day on June 4
  - d. Update on Arundo habitat restoration and replanting projects
  - e. Update on 1<sup>st</sup> Street rain garden project
  - f. Update on implementing Downtown Creeks Plan changes to city codes, plans and guidelines
8. Committee Reports
  - a. Committee members' report on activities that pertain to creek business. These reports are informational only.
9. Adjournment

I, Tim Clark, declare under penalty of perjury that this agenda has been posted at least 72 hours in advance at the Lafayette City Offices, 3675 Mount Diablo Boulevard, Lafayette, California in the glass case and on the City website: <http://www.lovelafayette.org>.

Any writings or documents pertaining to an open session item provided to a majority of the Creeks Committee less than 72 hours prior to the meeting shall be made available for public inspection at the City Offices, 3675 Mount Diablo Boulevard, Suite 210, Lafayette, California during normal business hours.

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Joanne Robbins, City Clerk at (925) 284-1968 at least 48 hours before the meeting, if possible.

# General Information for Public Meetings

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**Location of Agendas and Agenda Packets:** Agenda and packets are available for review by the public during regular work hours at the Lafayette City Offices, 3675 Mt. Diablo Blvd., Suite 210. Agendas and packets shall be made available at least 72 hours in advance of each meeting.

**Board<sup>1</sup> Discussion:** In accordance with State Law, the Board is generally prohibited from discussing and making decisions regarding items not posted on the agenda. Exceptions include items of urgency that become known to the Board after the posting of the agenda; discussion of such items requires a 4/5ths affirmative vote by the Board.

**Persons Wishing to Speak:** Any person may address the Board on any item listed on this agenda. Persons wishing to address the Board should complete a speaker slip and submit it to the City staff. In addressing the Board, speakers should step to the podium and state their names and addresses for the record.

**Public Comments on Agenda Items:** Persons wishing to speak on items listed on the agenda will be heard when called by the meeting chair. After the public has commented, the item will be closed to public comment and brought to the Board for discussion and action. There is no further comment permitted from the audience unless invited by the meeting chair.

**Public Comments on Non-Agenda Items:** Persons wishing to speak on matters not posted on this agenda are encouraged to submit the matter in writing to the City Clerk or staff aide at least ten days prior to the next regularly scheduled Board meeting date. Persons unable to do this may address the Board under the PUBLIC COMMENTS section of this agenda. Note, however, that such matters may be referred to staff for action or posted on a future agenda.

**Time Limit on Comments:** Persons will be permitted to speak for up to three minutes.

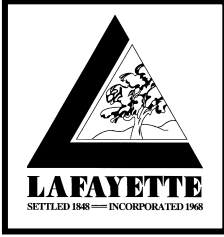
**Posted Times:** Posted times are estimated and actual times will vary. Public hearings may start later but never earlier than the posted time.

**Reconsideration of Items:** After the Board has acted on an agenda item, it may reconsider the same item later in the meeting in accordance with Council Rules of Proceedings II.D.4.

**Consent Calendar:** All matters listed under consent calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time that the Board votes on the motion to adopt.

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<sup>1</sup> "Board" is used here as a generic term for the City Council, commissions, committees, task forces, and other public decision-making boards.



# City of Lafayette

## DRAFT Action Agenda

### Creeks Committee

#### Regular Meeting

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Date: Wednesday, February 16, 2022

Time: 7:00 pm

Location: Teleconference via Zoom Webinar

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To protect public health, this meeting is being held in accordance with AB 361, Government Code section 54954(e)(1)(A). Given the proclaimed state of emergency and the Contra Costa County Health Officer's recommendation for social distancing for public meetings, which is also consistent with Cal OSHA requirements for social distancing, the City will be conducting public meetings via video/teleconferencing and there will be no physical location available for this meeting. To participate in the City of Lafayette's public meetings and provide public comment during the COVID-19 public health emergency, please follow these steps:

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## Action Agenda

### 1. Call to Order (7:00 pm)

### 2. Roll Call

**Committee Present:** Will Elder, Austin Payne, MaryJo Cass, David Clark, Phil Bradley, Ron Hufft. **Excused Absent:** Peter Norton. **Council Liaison,** Carl Anduri; Grace Dixon, PTR; Jenny Rosen, Pat "Erling" Horn, Dave Dondero, Public Art Committee; Jeff Gilman, former Creeks Committee member. **Staff:** Matt Luttropp, Tim Clark.

### 3. Adoption of Agenda

**Removing Item 6.a from the Agenda because the Scout would not be here for the meeting. MaryJo moved to approve amended Agenda, David seconded. Vote unanimous.**

### 4. Public Comments

**No Public comments. Adam Brown, Andi Brown, and Grace Dixon Present.**

### 5. Action Agenda

- a. Approval of action agenda from January 19, 2022 meeting  
**Phil moved to approve, David seconded. Vote unanimous.**

### 6. New Business (7:10 pm)

- a. Meet Eagle Scout candidate interested in installing creek signage  
**Item removed from Agenda.**
- b. Presentation by Public Art Committee members regarding potential public art along Lafayette Creek at the Madison Park project site  
**Jenny Rosen presented on possibilities for art near an overlook at Madison Park. She presented possibilities for decorative railings. Dave Dondero showed themes and examples of murals that could go in around the City. Will proposed setting up a subcommittee to talk about possible projects the groups could coordinate on.**
- c. Presentation by Steve Goetz regarding staff recommendations for changes to the Flood Damage Prevention Ordinance as indicated in the Downtown Creeks Plan.  
**Steve addressed the Creeks Committee's concerns about how the proposed language in Flood Damage Prevention Ordinance differed from that in the Downtown Creeks Plan. Steve said that the difference between what the Ad Hoc Committee recommended a year ago and what the staff are recommending now is attributed to a change in State Housing Laws. Will asked why the changes that have been made did not reflect the work of the Ad Hoc committee. Steve said that the ordinance change recommendation that the Ad Hoc committee provided included setbacks on improved channels, and that the State Housing Laws limit the ability to**

*change ordinances that reduce residential housing density. The City needed to set objective definitions to distinguish between an improved channel and an unimproved channel. For example, on the Madison Park project, the setback for the improved channels by the Ad Hoc Committee was 30-35 feet, whereas before, it would be limited by the Flood Control District's easement. Steve said the City cannot reduce the housing density, and we have to live with current setback restrictions. David brought up the point that there was a provision in SB330 that can exempt parcels from the ordinance if they are in a 100-year floodplain. Steve said he didn't know if the limits of the law can permit changing the setback provisions. Generally, if the zoning conflicts with the General Plan requirements, the General Plan requirements take precedence. Steve said he could look at this further.*

*Jeff made the point that the goal for the Downtown Creeks Plan was to protect the natural environment along creeks, because there were many areas that have the potential to create riparian lands along the flood control channel. Jeff also said that the removal of "riparian lands" from the Downtown Creeks Plan was the wrong decision because the Ad Hoc Committee sourced the applicable language from a number of public sources, and it was in the General Plan's glossary. Jeff also wanted to exclude private parties from the definition because it could incentivize private parties to improve a channel. Jeff wanted to add the invasive plant "Privet" to the list of invasive plants in the DCRP.*

*Ron thanked Steve for the work, and addressed the deletion of riparian lands from the language, saying that with Lafayette's steep banks and vegetation, the distinction between riparian land and non-riparian land is clear and it should be an objective standard. Steve said that the current definition of terms says that riparian lands are areas occurring along water courses that are "distinctly different", and the definition did not meet the State's definition of objective, and he asked what the purpose of having riparian lands clearly defined was.*

*MaryJo said that the DCP did have a list of riparian plants, which could be used to objectively determine riparian areas.*

*Jeff was wondering if structures built near controlled channels might also be considered to be in the 100-year floodplain but still out of the Flood Control's easement. Steve said that the Flood Control Damage Prevention Ordinance allowed structures to be built into the floodplain, as long as it minimizes damage to the property. If you were to use the 100-year floodplain like a Creek Setback, you would be imposing a new regulation that diminishes the potential housing density of the parcel.*

*Steve would take a stab at including an example of the impact of applying a setback along improved creeks. He would work on coming up with an objective term for "riparian lands", but that would not mean that even if they were to come up with an objective term, they could reduce the housing density of a parcel. He would also look into adding "Privet" to the list of invasive plants, and Will would look into the invasive plants list too. David reiterated that Steve should investigate the provision of parcels in the 100-year flood zone.*

*The next step would be the public hearing on March 7th, with a staff report regarding the questions the Creeks Committee brought up.*

- d. Presentation by Matt Luttrupp on status of proposed changes to the Lafayette ADU Ordinance

*Will wanted clarification on the footnote on Page 2, and to implement all of the corrections that the City Attorney had agreed to.*

- e. Discuss creek cleanup day as part of a Lafayette annual Community Service Day on June 4  
**David said that the Creeks Committee should take advantage of the Service Day, with Carl saying that the Chamber of Commerce and Lafayette Community Foundation confirmed the June 4th date. Grace said that there was a finite amount of volunteer projects, and the Committee should reach out to Christine Raymond or Teresa Gerring to submit a proposal. Ron said that there might be limited volunteer work available to constitute a whole day. Will proposed coming up with other volunteer opportunities by the March meeting.**

## 7. Old Business

- a. Discussion of Creek Overlay District  
**David wants to make sure the topic is in the City Council's budget considerations.**
- b. Update on Arundo habitat restoration and replanting projects  
**Ron passed on presenting tonight due to time.**
- c. Update on status of General Plan Advisory Council Housing Element draft goals and vision/mission statements  
**Not final final yet, but City Council decided on a final version which includes a combined vision and mission statement with bullet points. The creeks were included in one of the six bullet points.**
- d. Update on 1<sup>st</sup> Street rain garden project  
**Matt said that he has been helping the consultant with the specifications. Matt wanted the project to be fully designed and out to bid by April. More money was needed to fund the project, with one strategy being using the new MRP 3.0 requirements to ask City Council to allocate more money and use prior years savings in the Fund 14 account to pay for the project.**

## 8. Committee Reports

- a. Committee members' report on activities that pertain to creek business. These reports are informational only.  
**Skipped due to lack of time.**

## 9. Adjournment 9:34 pm



# City of Lafayette Staff Report

## Public Art Committee

**Meeting Date:** April 20, 2022

**To:** Creeks Committee

**Staff:** Jenny Rosen, Public Art Committee Staff Liaison

**Subject:** Purchase of *Ursus Redivivus, Recycled Bear*

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### BACKGROUND

The loan agreement for *Ursus Redivivus, Recycled Bear*, by artists Alex Nolan and Chad Glashoff, expires in May 2022. The artwork has resided for nearly four years at 3505 Golden Gate Way, a property owned and generously loaned for this use to the City by David Seyranian.

Made of salvaged scrap metal and recycled tools, the kinetic grizzly bear sculpture weights 7200 pounds and stands approximately 12 feet tall on a base with dimensions of 80" x 113" x 6" (See Exhibit A). *Ursus Redivivus, Recycled Bear* is an artistic version of *Ursus arctos horribilis*, or the coastal grizzly bear first described by Lewis and Clark on their expedition of 1803 to 1806. Lafayette's *Ursus* is about the same size and bulk of some of the largest coastal grizzlies recorded in North America.

Nolan intends to sell the work at the end of the agreement with the City to seed an art scholarship to honor Glashoff who passed away in 2020. The scholarship will be established with guidance from John Toki, ceramic artist and former professor at the California College of the Arts.

At its March 9, 2022 meeting the Public Art Committee (PAC) discussed purchasing this unique interactive work for the City's public art collection and placing it at the Community Center where it could create valuable opportunities for education and stimulate discussion about history, ecology and sustainability. Coincidentally Grizzly Creek flows through the Community Park and into Las Trampas Creek on the Community Center grounds, creating a geologic setting conducive to education and art for children, caregivers and for Camp Awesome programs. It is staff's opinion and that of at least one Committee member (Horn) that *Ursus* is an impressive piece, and is a great fit for Lafayette, providing an opportunity for fun and education on multiple levels. For example, one could teach a class on the Pacific garbage patch and have students create a massive whale sculpture out of non-recyclable plastic using *Ursus* as an example.

The PAC unanimously approved recommending to City Council approval of the purchase of *Ursus* contingent upon review and approval by the Parks, Trails and Recreation Commission. The motion included the following stipulations: 1) ask the Community Center Foundation if it could fund the move, signage and air compressor fix (\$14,000 total); 2) PAC staff to extend the contract with the property owner on Golden Gate Way until the Community Center is ready to receive the work; 3) Member Horn and the City Engineer will specify and install piping and electrical to articulate the bear's arm; and 4) PAC staff to secure prospectus for scholarship fund.

At its March 9, 2022 meeting the Parks, Trails and Recreation Commission decided against recommending the placement of the work at the Community Center.

The PAC is interested in acquiring the work and finding a permanent home for it in Lafayette.



**COST**

The Public Art fund has a balance of \$147,000 which could be used to purchase, move, repair and install the artwork. At the last discussion of purchase in September 2021, member Horn estimated the following costs:

|   |                 |
|---|-----------------|
| Sculpture itself:                         | \$45,000        |
| Move:                                     | \$3,000         |
| Compressor system, piping and electrical: | \$8,000         |
| Misc.:                                    | \$2,000         |
| <b>Total:</b>                             | <b>\$58,000</b> |

**RECOMMENDATION**

Review report, discuss possible placement and decide on recommending approval of the purchase of the work to City Council, and advise staff based on decision.

## Exhibit A

*Ursus Redivivus, Recycled Bear*  
Alex Nolan and Chad Glashoff  
2015  
Base: 80" x 113" x 6"  
Height: 12'

