

# PIEDMONT CITY COUNCIL

## Regular Meeting Minutes for Monday, July 2, 2007

A Regular Session of the Piedmont City Council was held July 2, 2007, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on June 28, 2007.

### **CALL TO ORDER**

Mayor McEnroe called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

### **ROLL CALL**

Present: Mayor Nancy McEnroe, Vice Mayor Abe Friedman and Councilmembers John Chiang and Garrett Keating

Absent: Councilmember Dean Barbieri

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Police Chief Lisa Ravazza, Public Works Director Larry Rosenberg, City Clerk Ann Swift and Recording Secretary Chris Harbert

### **CONSENT CALENDAR**

The following items were considered under one vote by the Council:

#### **Minutes**

Approves as amended Council meeting minutes of June 11, 2007  
(*Mayor McEnroe abstaining*)

#### **Minutes**

Approves as submitted Council meeting minutes of June 18, 2007 (*Vice Mayor Friedman and Councilmember Chiang abstaining*)

#### **Resolution 57-07**

RESOLVED, that the City Council approves the consent calendar as noted.

Moved by Friedman, Seconded by Keating

Ayes: McEnroe, Friedman, Chiang, Keating

Noes: None

Absent: Barbieri

### **PUBLIC FORUM**

EBMUD Board of Director and former Mayor Katy Foulkes encouraged residents to conserve water this summer given that last winter was one of the driest on record in EBMUD's 84-year history. She highlighted EBMUD's rebate programs to encourage the purchase of low water use appliances/irrigation systems and noted that EBMUD personnel are available to assist residents in identifying ways to conserve water. EBMUD informational flyers listing water conservation tips are available at City Hall, on the City's website and on EBMUD's website.

The Police Chief reported on an armed robbery/home invasion incident which occurred in the early morning of July 1 in the Monticello neighborhood. Piedmont Police were assisted by special units of the Oakland Police Department in apprehending one of the two juvenile suspects – the second suspect is still at large. The victim and her children were rescued unharmed and most of the stolen property recovered. The arrested suspect has been charged with robbery, burglary and kidnapping. The Chief commended her officers and those

of the Oakland Police Department for their quick and professional response to this incident, thanked neighborhood residents for their cooperation during the evacuation of the area and stressed that “neighborhood maps” prepared in connection with the area’s Neighborhood Watch Program were extremely valuable in assisting police with their search and rescue activities. The Chief encouraged all Piedmont neighborhoods to develop similar “neighborhood maps” and organize neighborhood watch meetings.

## **REGULAR CALENDAR**

The Council considered the following items of regular business:

### **Nuisance Abatement**

The City Administrator reported that residents of the Fairview neighborhood have petitioned the City requesting changes to the City Code regarding enforcement of vehicle related nuisance abatement issues. The neighborhood is seeking relief from a situation where multiple vehicles are parked on the street for extended periods of time by one resident, who also has multiple vehicles in varying states of disrepair on his private property. The residents are requesting that the City code be amended:

- To require vehicles to be moved at least one mile after being tagged for violation of the 72 hour limit for street parking;
- To prohibit cars from being parked on driveways for more than 15 days;
- To define the term “vehicle”; and
- To transfer the authority for vehicle abatement action from the City Administrator to the Police Department.

**Correspondence** was received from: Astrid Lacitis, June 27; David Brown, June 28; Timothy Rood, July 1; Piedmont Concerned Citizens Group, June 8.

**Public testimony** was received from:

Angela Haller, Neil Teixeira, Joe Schruhl, Jean Quirk, Rick Schiller and Michelle Turner, all supported the petitioners’ request, stressing that: (1) the neighborhood has suffered for years as a result of one individual’s habitual parking of 12 to 20+ cars along both sides of the street for months on end since 1974; (2) in addition to the street parking, this resident also has multiple vehicles (mostly in disrepair and non-operational) parked on his property; (3) the presence of so many “junk” vehicles and daily auto repair activity has decreased property values and inconvenienced residents; (4) this individual has intimidated and harassed residents who have complained about his activities; and (5) the neighborhood is seeking relief from the situation where a resident is using the public street and his property as a used car lot. They noted that currently when the cars are “tagged” for the 72-hour street parking violation, they are merely pushed a few feet along the road rather than removed. The speakers were confident that the proposed code changes would allow police officers to use their discretion in enforcing the code to target repeat offenders while not burdening the general public. Ms. Haller submitted the neighborhood’s petition, signed by 31 neighborhood residents and Mr. Teixeira noted that the City of San Pablo has similar code provisions to those being requested.

George Kersh, George Childs, David Naveh and Margaret Bowman sympathized with the Fairview neighborhood's problem, but opposed the proposed code changes because of the adverse impact such restrictions would have on the general community. They felt it was inappropriate and unreasonable to prevent residents from parking their cars on their own driveways while away on business or vacations or restrict residents whose hobbies involve collecting or working on old cars. In addition, they stressed that many Piedmont properties do not have garages and thus driveways and streets are the only parking option for these residents. They felt that there were better solutions for solving Fairview's localized problem than the proposed code changes.

The City Administrator stated that since receipt of the petition, staff has been addressing the Fairview neighborhood's concerns and over the last two months, the piles of junk and inoperable vehicles parked on the individual's driveway have been removed. The remaining 12 to 14 cars parked on the street have been licensed. However, staff is investigating whether an auto repair/resale business is being conducted illegally within this residential zone and specific action is being prepared to address this issue long-term. He did not support the proposed code changes for the reasons cited in his staff report, other than the transfer of vehicle nuisance enforcement from his office to the police department. However, he and the Police Chief cautioned that police enforcement would not be any more expedient than the existing abatement process. The City Administrator was confident that pursuing abatement remedies already available under existing law will resolve the neighborhood's concerns.

The Council preferred that the City Administrator continue to pursue relief pursuant to existing law and submit a follow-up report at a future meeting. In the interim, the Council suggested that the neighborhood consider discussing with the police department the designation of a "residential parking zone" as a means of limiting the number and duration of time that cars can be parked on the street.

**Utility Undergrounding Policy**

Per Council discussion of May 21 and June 4, the City Clerk submitted a revised Utility Undergrounding Policy for Council review and approval. The Vice Mayor requested that the policy be further amended to explain in Section #10 the process to be followed when proposed districts choose to ballot based upon the engineer's estimate rather than firm bids. The City Clerk agreed to do so.

**Public testimony** was received from:

George Childs reiterated his May 21 and June 4 concerns over allowing City Rule 20A funds to be used for private Rule 20B projects and repeated his request that the proposed policy include a specified ballot approval percentage necessary to obtain Council approval for district formation and lien assessments. He recommended that this percentage level be 66-2/3.

**Resolution 58-07**

RESOLVED, that the City Council approves the proposed Utility Undergrounding Policy, as amended to incorporate the Vice Mayor's request to include an explanation of procedures for districts that choose not to obtain construction bids before balloting.

Moved by Friedman, Seconded by Chiang  
Ayes: McEnroe, Friedman, Chiang, Keating  
Noes: None  
Absent: Barbieri  
(0045/X1075)

The City Administrator stated that the proposed Hampton/SeaView Utility Undergrounding District has been waiting for Council approval of the above policy prior to submitting its proposal. The Administrator advised that only the Mayor and Councilmembers Barbieri and Keating can consider the Hampton/SeaView petition (Councilmembers Friedman and Chiang are recused for conflict of interest reasons). The Administrator noted that the required quorum may not be available on August 6, so therefore he recommended that this issue be scheduled for consideration on August 20, provided Councilmember Barbieri is available for that meeting. The Vice Mayor voiced his strong preference that the Council recess for the entire month of August and take the matter up in September.

**ANNOUNCEMENTS**

Centennial Float – the Mayor congratulated members of the Centennial Committee on its float winning 2<sup>nd</sup> Place at the Alameda County Fair. She noted that this float will be featured in Piedmont’s July 4<sup>th</sup> Parade. The Mayor and Vice Mayor encouraged residents to participate in the various activities scheduled as part of the community’s July 4<sup>th</sup> Celebration.

City Survey – the Mayor reported that the results from the City’s citywide survey conducted by the Planning Commission in connection with the General Plan Update have been compiled. These results will be submitted at a future Council meeting.

**ADJOURNMENT**

There being no further business, Mayor McEnroe adjourned the meeting at 9:15 p.m.