

# PIEDMONT CITY COUNCIL

## Regular Meeting Minutes for Monday, November 19, 2007

A Regular Session of the Piedmont City Council was held November 19, 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 November 15, 2007.

### CALL TO ORDER

Following a 7:00 p.m. Closed Session regarding contract negotiations with the Piedmont Police Officers Association and International Association of Firefighters held pursuant to Government Code Section 54957.6, Mayor McEnroe called the meeting to order at 7:35 p.m. with the Pledge of Allegiance.

### ROLL CALL

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

Staff: City Administrator Geoff Grote, Deputy City Attorney Judith Robbins, Police Chief Lisa Ravazza, Fire Chief John Speakman, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Planner Kate Black, Assistant Planner Kevin Jackson, Building Official Chester Nakahara, Recreation Supervisor Buzz Redford and Recording Secretary Chris Harbert

### CONSENT CALENDAR

The following item was approved under one vote by the Council:

#### Minutes

Approves as submitted Council meeting minutes of November 5, 2007

#### Resolution 88-07

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

Moved by Friedman, Seconded by Barbieri

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

### PUBLIC FORUM

Beach School 5<sup>th</sup> Grade Leadership Group Members Sophia Mills, Quinn Burnett, Madeline Loduca, Rebecca Havian, David Dryburgh and Luke Smith encouraged the Council to increase recycling opportunities in Piedmont. The Group Members noted their efforts in encouraging fellow students to recycle, providing teachers with non-toxic cleaners for the classrooms and participating in tours of local landfills and recycling centers to learn more about the importance of recycling. The Council thanked the students for their comments, complimenting them on the clarity of their presentation.

Mellissa Feldman, Cynthia Doll and Charlotte Terkurst, residents of Ranleigh Way, requested the Council to reconsider the Park Commission's September 5<sup>th</sup> decision approving the removal of all of Ranleigh Way's street trees and replacing these trees with flowering red spire pear trees. In particular, Ms. Feldman and Ms. Doll noted that the petition signed by residents in support of tree removal requested the removal of "problem" trees not all the trees along the block, yet at the Park Commission hearing it became evident that tree removal would

not be considered on a case-by-case basis. In addition, the Commission's decision stated that cost estimates would be provided but this has not been the case. Ms. Feldman also requested that the City's policy and practices regarding neighborhood tree removal petitions be clarified to minimize misunderstandings and confusion in the future. Ms. Doll voiced her objection to the removal of the street tree in front of her property, noting that only minor sidewalk damage has occurred and this damage does not warrant the removal of such a beautiful tree. She emphasized the importance of the community's mature urban forest in enhancing neighborhood aesthetics. Ms. Terkurst stated that she signed the petition as a means of having a street tree planted in front of her property. She agreed with the other speakers that many of the street's trees are beautiful and only a few are causing damage to public and private property. The City Administrator stated that the trees are scheduled to be removed in December with the new trees planted in January. The Mayor announced that the Council would discuss whether or not to schedule consideration of this request at the end of tonight's meeting.

## REGULAR CALENDAR

The Council considered the following items of regular business:

### **Public Hearing: Appeal of Planning Commission Decision, 61 Glen Alpine Road**

The City Planner stated that several residents of Calvert Court, led by Jukka and Sara Valkonen have appealed the Planning Commission's October 8, 2007, conditional approval of Mr. Douglas Smith and Ms. Jennifer Hughes' design review application to demolish the existing house and construct a new single family residence at 61 Glen Alpine Road. Hearings before the Planning Commission on the Smith/Hughes application were held September 10 and October 8, 2007. The Planner stated that the issues raised by the appellants specifically relate to project staging, not CEQA review or design issues.

**Correspondence** was received from: Jukka Valkonen, dated Oct. 17 and Nov. 19; Jennifer Hughes, Aug. 29; Gail Uilkema, Sept. 10; Robert Fisher, Sept. 6.

**Public testimony** was received from:

Jim Kellogg, Planning Commission representative, concurred with the City Planner's summary of the Commission's review and action on the application.

Jukka Valkonen referenced his November 19 letter in reiterating that many of the neighborhood's original concerns regarding the project have been answered by the applicants. The remaining outstanding issues for tonight's appeal are the Calvert neighborhood's request that the conditions of project approval be amended to explicitly state that:

- The City will be responsible for insuring the daily sweeping and cleaning of Calvert Court;
- The number of construction related vehicles parked at the lower turn-out area of the street will be limited; and
- The speed limit for all construction related vehicles along Calvert Court shall not exceed 15 mph.

Mr. Valkonen noted that because the Calvert Court neighborhood is both in Oakland and Piedmont, residents want to insure that a clear

chain of command is in place to oversee project staging to guarantee compliance with conditions of approval and provide residents with the names and phone numbers of personnel to contact if problems develop.

Jennifer Hughes requested the Council to uphold the Planning Commission's decision, stressing the extensive review given to her application and the fact that the project's Construction Management Plan addresses the neighborhood's concerns and will be supervised by the City's Building Official.

Robert Fisher urged the Council to uphold the Planning Commission's decision, stating his belief that it is fair to all parties involved.

Daniel Pelzinger, Project Contractor, responded to Council questions, noting in particular:

- a heavy-duty gravel access road will be constructed on the applicant's vacant Calvert Court property to provide construction vehicle access to the Glen Alpine building site – said road will minimize dirt/mud spill over onto Calvert Court. His firm will be responsible for sweeping/cleaning Calvert Court to the satisfaction of the City. All debris dumpsters and construction materials will be located on site.
- it is expected that construction worker vehicles will be parking at the lower turn-out area, as well as on site. It is anticipated that on average 4 to 7 vehicles will be parked at the turn-out area, with a maximum of 10 to 12 vehicles at certain periods during the construction. Access to on-site parking for worker vehicles will be from both the Glen Alpine driveway and Calvert Court.
- his firm is acutely aware of the importance of public safety and all workers and subcontractors will be advised to exercise caution when traveling along Calvert Court – a 15 mph speed limit is acceptable.

Raine Rude, one of the neighborhood appellants, emphasized that the neighborhood's primary concern is traffic safety and parking. She suggested that construction workers be required to carpool to the site to minimize congestion.

The City Planner, Public Works Director and Building Official responded to Council questions, stressing that the project's conditions of approval, construction management plan and Alameda County's Clean Water Program will address and mitigate the neighborhood's above-mentioned three concerns. However, it was noted that: (1) the project contractor will be required to keep the street clean (the City does not have sufficient equipment/manpower to daily sweep the street); (2) the posted speed limit along Calvert Court is 25 mph. While a specific contractor/person cannot be required to observe a different speed limit, state law dictates that vehicles can travel no faster than what is safe for the conditions; (3) there is no City precedent for restricting the number of vehicles which can legally park on a street and staff has no safety concerns related to contractor parking at the lower turn-out. However, staff will encourage the contractor to request

his workers to park their private vehicles on site and to use the Glen Alpine driveway as the access point for on-site private vehicle parking; (4) the conditions along Calvert Court are not as problematic as many other areas in the City where large construction projects have taken place (e.g. Scenic Avenue, Maxwellton Road) and the effectiveness of construction management plans in minimizing project disruptions and protecting neighborhood interests is quite successful; (5) the proposed heavy gravel roadway has proved effective in past projects as a means for keeping public streets clean; and (6) the estimated project completion timetable of 18 months is reasonable.

The Council voiced its confidence that the Planning Commission's conditions of project approval addressed the Calvert Court neighborhood's concerns and are sufficient to minimize impacts. The Council acknowledged the good cooperation shown by the applicants and their contractor in responding to neighborhood requests and reiterated that there is no other practical solution, other than from Calvert Court, for accessing the property for the proposed construction.

**Resolution 89-07**

RESOLVED, that the City Council denies the Calvert Court neighborhood's appeal and upholds the Planning Commission's October 8, 2007, conditional approval of Mr. Douglas Smith and Ms. Jennifer Hughes' design review application for proposed construction at 61 Glen Alpine Road, incorporating by reference the Planning Commission's findings and conditions as set forth in Resolution 307-DR-07, adopted October 8, 2007.

Moved by Barbieri, Seconded by Friedman

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0080)

**Public Hearing:  
Appeal of Planning  
Commission Decision,  
110 Ricardo Avenue**

The City Planner stated that Mr. and Mrs. George Ong have appealed the Planning Commission's October 8, 2007, denial, without prejudice, of their design review application to demolish the existing residence and garage and construct a new single family residence at 110 Ricardo Avenue.

Because he lives near the applicant/appellant, Councilmember Keating recused himself from discussion and action on this appeal and left the chambers.

The City Planner summarized the Commission's review and action on the application, noting that while the Commission supported the project and design in concept, it requested that the design be modified to lower the overall height of the new residence and eliminate neighbor privacy intrusion by relocating proposed windows. The Planner explained that because a combination of design modifications were required to satisfy the Commission's requests and several different design alternatives were available to accomplish these modifications, the application was denied, without prejudice, rather than approved with conditions.

**Correspondence** was received from: Catherine Yap, November 16.

**Public testimony** was received from:

George Ong stated that in response to the Commission's decision, his architect has prepared a revised plan that lowers the overall height of his proposed home by 2 ft. (each floor ceiling height was lowered by 1 ft.) and has raised the height of the upper floor window sills. He emphasized that the height of this new design now results in a home that is below the height of his north-side neighbor (hence no longer blocks this neighbor's solar panels) and is comparable in height to his south-side neighbor. Mr. Ong added that the on-site story poles were modified after the Commission hearing to denote a 1 ft. reduction in height but that with this most recent design, the overall height has now been reduced two feet. He noted that this project has taken three years to process with multiple revisions at great expense to himself in terms of time and finances. He urged the Council to approve this most recent revised design since it satisfies the requests of the Planning Commission.

Jim Kellogg, Planning Commission representative, stated that a 2 ft. reduction in overall height is consistent with the Commission's request but stated that the Commission would need to see the revised plans before granting project approval. He concurred with the City Planner's comments by agreeing that Mr. Ong's project was not conditionally approved at the last meeting because there were multiple ways that the design could be altered to comply with Commission requests and that the Commission was unable to approve the project without a specific redesign detailing how these modifications were to be achieved.

Ivan Chiu, Project Architect, submitted photographs indicating how the most recently revised design relates to the homes of adjacent neighbors. He felt that the revised design complies with the City's Design Review Guidelines and the Planning Commission's requests and he urged that Mr. Ong's appeal be granted and his design review application approved.

Jennie Ong stated that the property has been an eyesore for years and she and her husband have been frustrated by the numerous delays involved in attempting to satisfy City and neighborhood requests.

Gareth Fong read a letter from Catherine Yap, dated November 16, 2007 (submitted at tonight's meeting) requesting that Mr. Ong's house be lowered by 5 ft. Speaking for himself, he felt that the Commission's October 8 action was fair and Mr. Ong's appeal was without merit. He requested that Mr. Ong's most recent redesign be forwarded to the Commission so as to allow neighbor and Commission review of this revised proposal. He felt that without actually reviewing the revised plans, he could not ascertain whether the new design would block his solar panels during the winter months.

The Council advised Mr. Ong that it could not act on the most recent redesign since revised plans have not been submitted to the City for review by City staff and Planning Commission. The Council requested the City Planner to continue to work with Mr. Ong so as to maximize the likelihood that his new application will meet with Commission approval.

**Resolution 90-07**

RESOLVED, that the City Council denies Mr. and Mrs. George Ong's appeal and upholds the Planning Commission's October 8, 2007, denial, without prejudice, of their design review application for proposed new home construction at 110 Ricardo Avenue, incorporating by reference the Commission's findings set forth in Resolution 320-DR-07, adopted October 8, 2007.

Moved by Friedman, Seconded by Barbieri

Ayes: McEnroe, Friedman, Barbieri, Chiang

Noes: None

Recused: Keating

(0080)

**Grant Request**

The Assistant Planner requested Council authorization for staff to submit in partnership with the City of Albany a grant request to the Bay Area Air Quality Management District to complete a Climate Action Plan. The Planner noted that in May 2006, the City committed to becoming a member of ICLEI Local Governments for Sustainability and participating in the Alameda County Climate Protection Project. As a result, the City has embarked on an ongoing, coordinated effort to reduce the emissions that cause global warming, improve air quality, reduce waste, cut energy use and save money. Since the City has neither the staff nor resources to coordinate and oversee the development of a Climate Action Plan and as a means of continuing its progress toward achieving its goals of tangible local actions toward global sustainability, a partnership with the City of Albany is proposed. Such a partnership will make Piedmont more competitive for grant funding and allow the City of Albany to serve as project lead on the grant application and to administer the contract with the selected consulting firm. The goal is to enable both cities to develop customized climate action plans for their respective jurisdictions.

**Resolution 91-07**

RESOLVED, that the City Council authorizes planning staff to submit, in partnership with the City of Albany, a grant request to the Bay Area Air Quality Management District in the amount of \$50,000 to complete a Climate Action Plan, finding that (1) it is in the interests of the City to seek funding that will assist its efforts in developing and completing a Climate Action Plan; and (2) a partnership with the City of Albany is beneficial to both jurisdictions in their efforts to seek grant funds for the development of a Climate Action Plan.

Moved by Friedman, Seconded by Chiang

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0045/X0525)

**Ordinance**

The Building Official requested first reading approval of a proposed ordinance adopting the 2007 California Building Code and 2007 California Fire Code. He stated that approximately every three years the codes are updated. He noted that the proposed 2007 amendments are essentially "housekeeping" in nature, with no new revisions proposed that affect Piedmont's current building regulations.

**Resolution 92-07**

RESOLVED, that the City Council approves the first reading of an ordinance amending Chapters 5 and 8 of the Piedmont Municipal Code pursuant to the adoption of the entire 2007 California Code of Regulations, Title 24, including the California Administrative, Building, Fire, Electrical, Mechanical, Plumbing, Energy and Referenced Standards Code.

Moved by Friedman, Seconded by Chiang

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0705)

**Park Court Retaining  
Wall Project**

The Recreation Director recommended Council acceptance of the Main Park Wall Retrofit Project as performed by Northwest Demolition, Inc., authorization for the filing of a Notice of Completion for the project with the Alameda County Recorder's Office and final payment to Northwest Demolition 35 days following the official recording date, and an appropriation in the amount of \$19,868 from the General Fund Reserve to the project's CIP Account. The Director stated that because of change orders and unforeseen circumstances during construction, a supplemental appropriation is required to cover the final costs. Most of these costs resulted from the fact that greater than anticipated project supervision and inspection was required by the City's consulting engineer.

The Mayor voiced her preference that a funding source other than the General Fund Reserve be used to cover the cost overruns, citing her position that because of the significant reduction in originally estimated transfer tax revenue during this budget year, cost cutting and budget reallocations should be utilized rather than tapping into the General Fund Reserve. The City Administrator concurred with the Mayor's concern but stated that for this particular project, using General Fund Reserve monies is appropriate and prudent. However, he stressed that should the City's revenue downturn continue, staff will present during the mid-year budget review process, a plan for re-examining budgetary expenses and reallocating capital improvement expenditures to address a significant reduction in FY 07-08 revenue.

**Resolution 93-07**

RESOLVED, that the City Council accepts the Main Park Wall Retrofit Project with Northwest Demolition, Inc. as complete, authorizes the filing of a Notice of Completion for the Project with the Alameda County Recorder's Office and final payment to Northwest Demolition 35 days following the official recording date and appropriates \$19,868 from the General Fund Reserve to the CIP Fund for this project.

Moved by Friedman, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: McEnroe

Absent: None

(0045)

**Civic Center  
Master Plan**

The City Administrator stated that on October 17 the Civic Center Master Plan Architect (Fisher-Friedman) presented the draft Civic Center Master Plan to the community. In accordance with the Council's June 11 direction that cost estimates for the proposed design

concept be prepared, the City Administrator recommended that the firm of Charles Pankow Builders, Inc. be retained to provide this service at a cost of \$26,500. In addition, the City Administrator recommended that a scale model of the proposed Civic Center Master Plan be prepared to assist residents in visualizing the proposed design. The cost for preparing said model by California Models is \$14,000.

**Public testimony** was received from:

George Childs opposed the expenditure of the requested funds, noting that it is unlikely that the Civic Center Master Plan can be constructed without a major bond issue. He was convinced that the electorate would not approve such bond funding. Therefore, he felt that the requested expenditures were unnecessary.

The Vice Mayor noted receipt of a phone call from a disgruntled resident objecting to the fact, among other things, that such an important issue was being considered during Thanksgiving week when many residents are away. The Vice Mayor concurred with this sentiment, stressing that every effort has been made to hold all Civic Center related hearings at a time and place to maximize public awareness and input. He therefore suggested that this matter be continued to a future meeting when more public awareness and attendance can be expected. The remaining Councilmembers agreed. Councilmember Keating requested that when this matter is rescheduled, the Charles Pankow proposal include cost estimates related to 801 Magnolia; the City Administrator agreed.

**Resolution 94-07**

RESOLVED, that the City Council continues consideration of a funding request for the preparation of Civic Center Master Plan cost estimates and a scale model to a date to be determined by the Mayor and City Administrator.

Moved by Friedman, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: McEnroe

Absent: None

(0088)

**Commendation**

The Mayor read the following letter from Poway High School to the Piedmont Fire Department:

*John Speakman, Fire Chief  
Piedmont Fire Department  
120 Vista Avenue  
Piedmont, CA 94611*

*Dear Chief Speakman:*

*In August of 1940, England's Prime Minister Winston Churchill stated, "Never... was so much owed by so many to so few." This tribute was made to the Royal Air Force, who had saved England from enemy air attack. During the past week, when Poway was under siege by the Witch Creek fire, Churchill's quote was apropos in acknowledging the efforts of heroic firefighters who saved our community.*



*Although Poway lost ninety homes and almost our entire community was evacuated, the Piedmont Fire Department came to our rescue. Specifically, our school was saved from destruction, thanks to the brave efforts of your team.*

*Your firefighters arrived on our campus, darkened with soot after battling this fire with the same intensity that they would have shown in their own community. I was particularly impressed with both their sense of professionalism and camaraderie. I represent the entire Poway staff and student body in recognizing your efforts in saving our school and community, and hope you will share this letter with those assigned to our area. It was our distinct honor to spend time with your firefighters during this crisis.*

*With appreciation,  
Scott Fisher, Principal  
Poway High School*

*cc: Mayor Nancy McEnroe*

## **ANNOUNCEMENTS**

Municipal Election – The Mayor announced that the nomination period is now open for three School Board and two City Council seats. The filing deadline for the March 4, 2008, election is December 7.

Centennial Event – The Mayor announced that the City's centennial art exhibit *Footloose in Arcadia* is being held from November 27 through December 4, Wednesday through Sunday from 11 a.m. to 4:30 p.m. at the Hearst Art Gallery. Free shuttle service to the exhibit is available from the Piedmont Historical Society.

Turkey Trot – The Mayor encouraged residents to participate in the High School Track Team's annual *Turkey Trot* fundraising foot race on Thanksgiving morning.

Christmas Tree Lighting – The Mayor announced that the community's Christmas Tree Lighting Ceremony will be held November 28 at 7:00 p.m.

## **COUNCIL REPORTS**

Basketball Task Force – Councilmember Keating reported that the Recreation Commission's *Basketball Task Force* has completed its assignment and made its final presentation to the Commission on November 15. As a side issue, the Piedmont Basketball Foundation has requested that the Task Force remain in effect to monitor progress in improving the community's basketball facilities and has requested assistance and guidance as to how to persuade the School District to open up and improve the basketball facilities on school property.

Garbage Collection Services – Councilmember Chiang requested that the City's website clarify the issue of available options for either curbside or back yard collection of garbage currently under consideration by the City Council. The City Administrator responded that additional information/price quotes for curbside and back yard collection services have been received from all three contract bidders and this information, as well as the clarification requested by

Councilmember Chiang, will be posted tomorrow on the City's website.

**FUTURE AGENDA ITEMS**

Ranleigh Way Street Tree Removal/Replanting – In response to tonight's *public forum* requests for the reconsideration of the Park Commission's September decision approving the removal of existing street trees along Ranleigh Way, the City Council agreed to schedule a hearing on this issue on the December 17 agenda.

**ADJOURNMENT**

There being no further business, Mayor McEnroe adjourned the meeting at 11:05 p.m.