

# PIEDMONT CITY COUNCIL

## Regular Meeting Minutes for Monday, February 4, 2008

A Regular Session of the Piedmont City Council was held February 4, 2008, 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 January 31, 2008.

### **CALL TO ORDER**

Following a 7:00 p.m. Closed Session regarding employee contract negotiations with the Piedmont Police Officers Association, International Association of Firefighters, Local 1021 and the Confidential Unit employees, and review and evaluation of the performance of the City Attorney held pursuant to Government Code Sections 54957.6 and 54957, Vice Mayor Friedman called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

### **ROLL CALL**

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

Absent: Mayor Nancy McEnroe

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Police Chief Lisa Ravazza, Fire Chief John Speakman, Finance Director Mark Bichsel, Public Works Director Larry Rosenberg, City Planner Kate Black and Recording Secretary Chris Harbert

### **INTRODUCTIONS**

The Police Chief introduced newly hired Police Officer Tamara Cundy and the Finance Director introduced the City's new Senior Accountant Ken Lee

### **CONSENT CALENDAR**

The following items were approved under two votes by the Council:

#### **Minutes**

Approves as submitted Council meeting minutes of January 22, 2008

#### **Investment Report**

Accepts the December 2007 Local Agency Investment Fund (LAIF) Statement

#### **Subdivision**

Approves an extension through September 10, 2008, of the approval of a Tentative Parcel Map subdivision at 71 Dudley Avenue

#### **Resolution 12-08**

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

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe

(0165; 1010)

#### **Ordinance**

Pursuant to a signed Disclosure of Interest submitted to the City by Councilmember Keating on January 7, Councilmember Keating recused himself from approving the second reading of Ordinance 677 approving an amendment to the Lease with the Piedmont Swim Club, citing a potential conflict of interest.

**Resolution 13-08**

RESOLVED, that the City Council approves the second reading of Ordinance 677 N.S. approving an amendment to the Lease Agreement with the Piedmont Swim Club for City property at 777 Magnolia Avenue.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang

Noes: None

Recused: Keating

Absent: McEnroe  
(0705)

**PUBLIC FORUM**

George Kersh requested the Council to instruct City employees to be more courteous and responsive to resident requests. He stated that yesterday he was rudely treated by a Piedmont police dispatcher when he reported a power outage in his neighborhood and remained at the dispatch counter to listen to the department's police radio scanner. He also suggested that public safety employees be required to give their name and badge number upon request to residents seeking to report poor customer service. He also requested that customer service performance be heavily weighted during compensation evaluations of public safety employees.

**REGULAR CALENDAR**

The Council considered the following items of regular business:

**Public Hearing:  
Linda-Beach Use  
Restrictions**

The Council considered second reading approval of Ordinance 673 N.S. modifying Section 3.8 of the City Code approving new use restrictions at Linda-Beach Playfield. First reading approval occurred on January 22.

**Public testimony** was received from:

Siavash Karrob, stated that the adult male soccer group which regularly plays at Linda-Beach is composed primarily of Cal Trans engineers. He noted the group's willingness to abide by the proposed limit of 12 adults per soccer game contained in the new ordinance. He stated that the group typically uses the field on a daily basis for exercise and routinely vacates the field during school recess periods – returning once recess is over.

Julian Nadel, also a member of the adult male soccer group, noted that money from Alameda County was used in the construction of the Linda-Beach Playfield and based upon his research of other fields partially funded by Alameda County, the proposed use restrictions for Linda-Beach are the most restricted in the county. He emphasized his group's willingness to work with Beach School to insure that children always have field use priority and to foster good cooperation with other user groups. He requested that his group be eligible to use Linda-Beach Playfield per a permit process.

Dave Meadows, also a member of the adult male soccer group, emphasized that Beach Playfield, with its artificial turf surface, is the best field available for soccer during the wet, winter months. He also underscored the group's willingness to accept and abide by appropriate restrictions governing its use of the facility.

Councilmember Keating supported the proposed ordinance, requesting that it be amended to allow field use from 7:00 a.m. to dusk on weekdays as opposed to the proposed 8:00 a.m. start. He felt that field use in the early morning would consist primarily of walkers, joggers whose use would have minimum impact on the surrounding neighborhood. He proposed the following amendment:

- Section 3.8.3a(i): “On weekdays, Linda Beach Playfield shall be open from 7:00 a.m. until 8:00 p.m. or dusk, . . .”

Mons Cedercreutz, Recreation Commission Chairman, concurred with Councilmember Keating’s comments that neighborhood complaints regarding adult usage of the facility were focused on use during the lunch hour and on weekends. He agreed that the Commission did not receive any complaints regarding early morning use of the playfield.

The Council, with the exception of the Vice Mayor, supported ordinance adoption as amended to change the field opening time to 7:00 a.m. on weekdays, noting that the Recreation Commission will continue to monitor the situation at Linda-Beach and should problems arise with regard to this earlier start time, the matter will be re-examined. The Vice Mayor reiterated his January 22 comments and opinion that better alternatives than the proposed ordinance are available for addressing adult play at Linda-Beach. The Vice Mayor felt that the proposed ordinance failed to mitigate potential safety problems arising from the mixed use of the field as well as severely limited public access and opportunity to use the facility.

**Resolution 14-08**

RESOLVED, that the City Council approves, as amended herein, the second reading of Ordinance 673 N.S. approving new use restrictions for Linda-Beach Playfield.

Moved by Keating, Seconded by Chiang

Ayes: Barbieri, Chiang, Keating

Noes: Friedman

Absent: McEnroe  
(0705)

**Grand/Fairview  
Parking**

The Public Works Director reported that pursuant to Council direction of October 15, 2007, requesting the City to undertake a traffic/parking study of the Grand/Fairview/Wildwood area in connection with a Conditional Use Permit granted to the Ann Martin Children’s Center (AMC), and in response to a petition from Fairview Avenue residents requesting the formation of a residential parking district between 4 and 40 Fairview Avenue, the City retained the services of traffic consultant Moses Wilson of Wiltec to evaluate the parking situation in the area.

Mr. Wilson summarized the parking survey process, findings and recommendations contained in his report, dated January 31, 2008, noting in particular his attendance of a December 2007 neighborhood meeting regarding traffic/parking congestion in the area and his review of the Fairview neighborhood’s petition. In response to Council questioning, Mr. Wilson stated that: (1) two cars are typically parked on the AMC driveway at 1246 Grand Avenue, with a maximum capacity of three cars and one car is parked on the AMC driveway at

1250 Grand, with a maximum *practical* capacity of two cars; and (2) the Fairview neighborhood's request for permit parking restrictions from 9 a.m. to 9 p.m., Monday through Friday and 9 a.m. to 1 p.m. on Saturday would probably be overturned upon legal challenge because of its significant adverse impact on the adjacent commercial business district. However, a preferential parking program similar to that established in the Civic Center would be a reasonable alternative solution for the Fairview neighborhood.

**Public testimony** was received from:

George Kersh inquired re the costs for Mr. Wilson's services in this matter and the City Administrator responded that it is anticipated that consultant costs will range between \$8,000 to \$10,000.

Hal Feiger of the Kehilla Community Synagogue emphasized that the parking restrictions requested by the neighborhood would adversely impact bar mitzvah and adult school activities held at the synagogue on Saturdays. He noted that synagogue staff/members are encouraged to park in the synagogue's parking lot and along the fence bordering the property so as to not unduly inconvenience neighborhood residents.

David Bowie, Attorney representing the Ann Martin Children's Center, stated that per AMC's conditional use permit, the Center is currently pursuing off-street parking options for center staff and will present its study and proposals to the City in April. He relayed the Center's support in concept of a residential parking district but urged that any such district be reasonable and fair in considering the parking needs of AMC, Kehilla and Ace Hardware.

Rosetta Newhall, Fred Brislawn, Manny Myers, Don Condon, Angela Teixeira and Penny Mori supported the creation of a residential parking district in their neighborhood to mitigate the traffic/parking congestion caused by the Ann Martin Center, synagogue and Ace Hardware. However, they also noted their willingness to consider a modification of the hours of their original restricted parking request. They stated that the greatest parking congestion impact occurs between 3 p.m. and 7 p.m. on weekdays and Saturday mornings when special events/activities are held at Kehilla Synagogue. They emphasized that the parking surveys by Wiltec were conducted during unusually light congestion conditions so they fail to reflect typical parking congestion - - the surveys were held on the Friday of the 3-day Martin Luther King Holiday weekend and on a Saturday when no bar mitzvah or other activity was occurring at the synagogue. The speakers also noted that parking congestion has spread to Wildwood Avenue and that if a Fairview parking district is established, the problems on Wildwood will intensify, leading to the likelihood that Wildwood will also request permit parking.

Chuck Chakravartua concurred with his neighbors' comments and also voiced the neighborhood's frustration and irritation with parking arrangement misrepresentations by the Ann Martin Center as well as his disappointment that not all Councilmembers have attended neighborhood meetings to discuss the neighborhood's objections and problems with AMC's operations.

The Council supported in concept the implementation of a restricted parking program on a trial basis to evaluate the effectiveness and impact of permit parking before proceeding with formal district establishment. Under a temporary program, the hours and location of restricted parking can be periodically adjusted to assess the most effective outcome. The Council engaged in a lengthy discussion regarding this suggestion and in the end requested staff to devise and implement a temporary restricted parking plan that incorporates the following components:

- Staff attendance of Fairview/Wildwood neighborhood meetings to discuss issues and incorporate feedback into parking program details;
- Consider potential impacts on Wildwood Avenue and the commercial business district in establishing the perimeters of the restricted parking area;
- Consider implementing a variety of different time ranges for restricted parking and monitor the results/impacts;
- Determine the level of Wildwood parking on Sundays to measure normal residential parking congestion;
- Consider the effect of the Ann Martin Center's parking plan on the neighborhood when said plan is finalized and submitted to the City;
- When and if appropriate, retain Wiltec to conduct additional parking surveys during "high impact times."

The Council also discussed but reached no agreement as to whether "warnings" or actual citation fines should be issued for parking violations during the trial period. It was agreed that this issue could be decided at a later date. Staff was requested to e-mail the details of the plan to the Council prior to trial period implementation.

**Mid-Year Fiscal Report**

The Finance Director submitted for Council acceptance the 2007-08 Mid-Year Fiscal Report. The report indicated that General Fund revenues are projected to be approximately \$163,000 higher than June 2007 estimates and operating costs are anticipated to be within budget for the year.

**Resolution 15-08**

RESOLVED, that the City Council accepts as submitted the 2007-08 Mid-Year Fiscal Report.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe  
(0165)

**FY 07-08 Mid-Year Appropriation Requests**

The Finance Director requested Council approval of mi-year appropriation requests totaling \$120,000 which will be funded from the general fund balance. He noted that the requested appropriations represent a minor increase in budget expenditures that is off-set by higher than anticipated revenue for the same period.

**Public testimony** was received from:

George Kersh requested information regarding the Police Department's mid-year appropriation requests. In response, the Police Chief explained the purpose of each of the three training related expenditure requests.

**Resolution 16-08**

RESOLVED, that the City Council approves the mid-year appropriation requests totaling \$120,000 which will be funded from the General Fund balance.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe

(0165)

**Management  
Compensation Plan**

The City Administrator stated that pursuant to Council direction of August 20, 2007, the City requested its consultant in this matter, Koff & Associates, to prepare a *Performance Based Compensation Plan* for City management and mid-management staff. The Council's subcommittee on this matter (Barbieri and Chiang) has recommended Council approval of this proposed plan, with the understanding that additional work/modifications will be required prior to the plan's effective date of July 1, 2008 – these modifications will be submitted for Council review. The subcommittee is further recommending that the Council direct Koff & Associates to begin work on a marketplace survey and salary range proposals in connection with the compensation plan. The cost for this survey and salary range proposal will be negotiated with Koff & Associates.

On a Motion by Councilmember Barbieri, Seconded by Councilmember Chiang and Unanimously Carried, the Council agreed to extend tonight's meeting to 11:15 p.m. to complete agenda consideration.

**Public testimony** was received from:

Katy Kaneko of Koff & Associates explained the methodology to be used in conducting the marketplace survey and establishing salary ranges.

George Kersh inquired as to consultant costs incurred to date with regard to this issue and felt that several of the cities listed on the "comparator salary range" were not representative of Piedmont's tax base.

The Council discussed plan details with staff. During the discussion, the Council agreed to the appropriateness of re-examining the City's comparator salary list some time next year, noting that recent redevelopment which has occurred in some of the listed cities may effect whether Piedmont should still consider these cities as appropriate for salary comparison purposes. In particular, the Council requested that in connection with comparator list re-examination, the appropriateness of retaining Pleasant Hill, San Rafael and Mountain View as well as perhaps adding Albany, Tiburon and Belevedere be considered.

On a Motion by Councilmember Chiang, Seconded by Councilmember Barbieri and Unanimously Carried, the Council agreed to extend tonight's meeting to 11:20 p.m. to complete agenda consideration.

Before proceeding with the plan approval vote without the Mayor's presence, the Council noted that Mayor McEnroe was aware of the proposed plan, the plan is consistent with her position on this matter, she has voiced no objections or concerns with the plan and it is necessary to proceed with plan approval in order for it to be in place for upcoming compensation negotiations. Vice Mayor Friedman requested the subcommittee to provide the Council with input regarding the plan's proposed "rating matrix" content.

**Resolution 17-08**

RESOLVED, that the City Council approves the *Performance Based Compensation Plan* for management employees as recommended by the Council's subcommittee and directs the City's consultant on this matter, Koff & Associates, to begin work on a marketplace survey and salary range proposals for implementation on July 1, 2008.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe  
(0910)

**Cost of Living  
Increases**

Councilmembers Barbieri and Chiang recommended Council approval of a 3.84% cost of living adjustment for all management employees and for the City Planner, Building Official and Project Manager retroactive to January 1, 2008. This recommendation is in accordance with current employment resolutions.

**Resolution 18-08**

RESOVLED, that the City Council approves a 3.84% Cost of Living Adjustment for all management employees and for the City Planner, Building Official and Project Manager retroactive to January 1, 2008.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe  
(0910)

**ANNOUNCEMENTS**

Voter Registration – The Vice Mayor announced that February 18 is the deadline for registering to vote in the City's March 4 municipal election.

State Primary – The Vice Mayor encouraged residents to vote in tomorrow's state primary election.

Centennial Event – The Vice Mayor announced that the last event of the City's celebration of its 100<sup>th</sup> Birthday will be held February 10 at the Veterans' Building and will involve the *Sale of the Century* auction of Centennial related items.

**ADJOURNMENT**

There being no further business, Vice Mayor Friedman adjourned the meeting at 11:20 p.m.

