

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, January 22, 2008

A Regular Session of the Piedmont City Council was held January 22, 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 17, 2008.

CALL TO ORDER

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, City Attorney George Peyton, Police Chief Lisa Ravazza, Fire Chief John Speakman, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Clerk Ann Swift and Recording Secretary Chris Harbert

CONSENT CALENDAR

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

Minutes

Approves as submitted Council meeting minutes of January 7, 2008

Agreement

Accepts as complete the City Building Painting Project as performed by Affordable Painting Services, authorizes the filing of a Notice of Completion for the Project with the Alameda County Recorders Office and final payment to Affordable Painting 35 days following the official recording date

Resolution 7-08

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

(0045)

Ordinance

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

Resolution 8-08

RESOLVED, that the City Council approves the first reading of Ordinance 677 N.S. approving an amendment to the Lease Agreement with the Piedmont Swim Club.

Moved by Friedman, Seconded by Barbieri

Ayes: McEnroe, Friedman, Barbieri, Chiang

Noes: None

Recused: Keating

(0705)

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following items of regular business:

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

The Recreation Director submitted for first reading consideration proposed Ordinance 673 N.S. amending the Linda-Beach Playfield use restrictions in accordance with a September 19, 2007, recommendation from the Recreation Commission. The Director noted that the Recreation Commission held several hearings in 2007 regarding the proposed revisions to the playfield's use restrictions and that tonight's public hearing notification was extensive – e.g., City website, local press, on-site postings, letters to community sports organizations. The Director stated that the proposed revisions are in response to neighborhood complaints regarding adult use of the playfield. In response to Council inquiries, the Director noted that while the proposed revisions include provisions for use permits to be granted for adult sport use of the field, practically speaking such permitted use will be rarely granted. The Director emphasized that Beach School, Beach Schoolmates and community youth sports programs use the field extensively and what field time is not reserved for such uses is set aside for informal, neighborhood/family use of the facility. He stressed that the field is not appropriately sized for adult sports games and adult groups wishing to play on Linda Beach will be strongly encouraged to use more appropriately sized fields such as Witter and Coaches.

Correspondence was received from: Amy Kraminer, January 22.

Public testimony was received from:

Mons Cedercreutz and Leesy Taggart, Recreation Commission Chair and Vice Chair respectively, noted that the Commission received numerous complaints from neighborhood residents and field users regarding adverse impacts being caused by adult soccer games regularly occurring on the field during weekday afternoons as well as weekend mornings and early evenings. Based upon the testimony of staff, neighbors and Commissioners who witnessed the activity, the Commission agreed that the adult players squeezed out other users of the field and their activity generated a tremendous amount of noise that disturbed nearby residences. The Commission concurred with neighbors that the field is too small for a large group of male adults to play soccer and that their activity created crowded, unsafe conditions. The proposed revisions are intended to prevent large groups of adults from dominating field use and reinforce the City's intention that Linda-Beach is a community/family oriented recreational facility and youth sports field.

Julian Nadel, speaking on behalf of the adult male soccer group that regularly plays at Linda-Beach, stressed that their activity promotes racial diversity and socialization and he voiced concern that the proposed revisions appear to discriminate against people of color. He urged that the City work with his group to reach a mutually agreeable compromise, noting that his group is always willing to share the field with other users.

David Trebotich concurred with the findings of the Recreation Commission, noting that he and his small children have stopped using Linda-Beach because of safety concerns. He stated that the adult male soccer group plays a very aggressive form of soccer and his toddler was almost hit by a hard-kicked ball. He felt that adult sports play was dangerous to and incompatible with family use of the facility and that adult play tears up the field's surface.

Karen Sullivan, a member of a drop-in ladies soccer group that uses the field on Sunday mornings, agreed that the male soccer group is very aggressive and fails to accommodate other field users. She stressed that her ladies group only utilizes a portion of the field and is always willing to share the field with other users. In addition, she stressed that the ladies do not run as fast or kick as hard as the male soccer players and thus do not pose the same safety threat to other users.

The Council, with the exception of the Vice Mayor, supported the proposed revisions in concept. However, this majority requested that proposed Section 3.8.4 providing that Linda-Beach "may be fenced and . . . locked . . . when the park is closed" be deleted. The Council majority felt that such a provision was unnecessary and inconsistent with the field's intent as family/community recreational open space. Councilmember Barbieri reaffirmed his recollection as a former Recreation Commissioner that Linda-Beach was always intended for use by kids and that the field's use restrictions were designed to control spectator noise by adults – they did not contemplate field use by adult sports groups. The Vice Mayor offered an alternative solution for addressing the problems caused by the adult soccer group while not prohibiting adult drop-in sports play. He suggested that the use restrictions be revised to require that adult soccer goals be positioned so that they align with the sides of the field rather than the ends -- thereby restricting adult play to half the field – and that only one adult soccer group can play on the field at any given time. He also felt that the "adult permit provision" was disingenuous and if it is the City's intent not to grant such permits, this provision be eliminated. The Vice Mayor emphasized the shortage of facilities wherein adult drop-in sports play can occur in urging that the proposed revisions not be adopted.

Resolution 9-08

RESOLVED, that the City Council approves the first reading of Ordinance 673 N.S. amending the Linda-Beach Playfield Use Restrictions, as revised to delete proposed Section 3.8.4.

Moved by Chiang, Seconded by Barbieri

Ayes: McEnroe, Barbieri, Chiang, Keating

Noes: Friedman

Absent: None

(0705)

**Civic Center
Master Plan**

Per Council discussion of June 11 and November 19, 2007, the City Administrator recommended that the Council enter into a contract with Charles Pankow Builders for the preparation of cost estimates for each major design component of the proposed Civic Center Master Plan. The cost for said estimating services is \$26,500. In addition, the Administrator also recommended that a scale model of the plan be developed to assist residents in visualizing the proposed design. The

cost for preparing the model by California Models is \$14,000. Once ranges of cost estimates for the various components of the plan are prepared, workshops and/or public hearings can be scheduled to receive public input on the various design schemes.

Public testimony was received from:

George Childs reiterated his November objections to the expenditure of funds for cost estimating and model preparation, stressing his belief that the Civic Center Master Plan cannot be constructed without a major bond issue and that the electorate will not approve such bond funding. Therefore, he felt that the proposed expenditures were unnecessary. He also felt that the proposed traffic plan for the Civic Center was unrealistic and will create an undesirable bottle-neck in front of the Police Department.

The Mayor opposed the proposed expenditures, noting her concern over the City's lower than estimated transfer tax revenue and as a consequence her reluctance to approve any unbudgeted expenditure requests at this time. Councilmember Keating opposed the expenditure for scale model preparation, believing that until more consensus is reached as to which design schemes/components should be pursued, a model of the plan at this time is premature. However, he did support the funding for cost estimating. The remaining Councilmembers supported the Administrator's recommendations, stressing that costs factors are essential in evaluating which plan components should be pursued and the model will allow residents and Councilmembers to better visualize the relationship of various components to each other as different design elements are presented and rearranged.

Resolution 10-08

RESOLVED, that the City Council appropriates \$14,000 for the preparation of a scale model of the Civic Center Master Plan.

Moved by Friedman, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang

Noes: McEnroe, Keating

Absent: None

(0088)

Resolution 11-08

RESOLVED, that the City Council authorizes staff to enter into a professional service contract with Charles Pankow Builders, Inc. for the preparation of Civic Center Master Plan cost estimating, with said contract not to exceed \$26,500; and

RESOLVED, further that the City Council appropriates \$26,500 for the cost estimating contract, with the understanding that said contract services will provide a variety of cost options and ranges to allow a comprehensive analysis of the Civic Center Master Plan Project.

Moved by Friedman, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: McEnroe

Absent: None

(0088)

ANNOUNCEMENTS

Oakland Airport Community Noise Forum – The Mayor requested a resident volunteer to serve on the Oakland Airport Community Noise Forum. She requested interested residents to contact her for more information.

General Plan Update – The Mayor announced that the Planning Commission is holding a public workshop on January 28 at 6:30 to discuss the City's General Plan Update.

Martin Luther King Celebration – The Mayor thanked event organizer Lois Corrin and the Piedmont Asian-American Club for co-sponsoring this year's community celebration of Dr. Martin Luther King's Birthday.

Beach Dad's Club – Councilmember Keating reported on the great success and jazz music of the Beach Dad's Club *Music in the Park* fundraiser held last Saturday. He noted that the event's popularity and tremendous musical talent will probably make this event an annual affair.

ADJOURNMENT

There being no further regular business, the Mayor adjourned the Council at 9:15 p.m. to a Closed Session regarding contract negotiations with the Piedmont Police Officers Association, International Association of Firefighters, Local 1021 and the Confidential Unit employees. Said Closed Session held pursuant to Government Code Section 54957.6.