

# PIEDMONT CITY COUNCIL

## Regular Meeting Minutes for Monday, May 19, 2008

A Regular Session of the Piedmont City Council was held May 19, 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 May 15, 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 as well as discussion of possible litigation regarding the Light Brown Apple Moth held pursuant to Government Code Sections 54957.6 and 54956.8, Mayor Friedman called the meeting to order at 7:35 p.m. with the Pledge of Allegiance.

### **ROLL CALL**

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

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Engineer Russ Moore, City Planner Kate Black, Assistant Planner Kevin Jackson, Parks & Projects Manager Mark Feldkamp, and Recording Secretary John Tulloch

### **CONSENT CALENDAR**

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

#### **Minutes**

Approves as submitted Council meeting minutes of May 5, 2008

#### **Resolution 41-08**

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

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

### **PUBLIC FORUM**

George Kersh referenced the negotiation process between employee groups and the city in requesting that it be more open and that the bargaining positions of both sides be released to the public. He also urged the council not to continue to grant generous retirement benefits to city employees as well as spoke about the increased participation of certain labor groups in the political process.

### **REGULAR CALENDAR**

The Council considered the following items of regular business:

#### **Waste & Recycling Outreach Program**

Assistant Planner Kevin Jackson provided the council with information on the status of the city's new garbage, green waste, and recycling outreach program. He stated that Phase One of the program is complete and involves the distribution of a new recycling, organics & garbage resources guide, a reusable canvas tote and informational stickers to assist residents in properly disposing of recyclable materials and minimizing the use of plastic and paper grocery bags. Phase Two

involves the preparation and distribution of information to assist residents in properly disposing of food scraps, hazardous waste, e-waste and bulky waste. He displayed samples of the Phase One components, adding that grant funds from StopWaste.Org and the state paid the cost for all the outreach materials.

He added that once residents receive their new garbage and recycling carts, they can immediately cease use of their old bins and either put them out for pickup by Republic Services or keep them for their own personal uses.

**Public testimony** was received from:

George Kersh, Wildwood Avenue, voiced his opposition to portions of the new contract, especially to those services he didn't currently use and were being forced upon him at an additional cost.

The Council commended staff on their work on these materials and encouraged residents to take advantage of the benefits of the new garbage & recycling contract, including unlimited recycling and green waste pickup.

**Environmental Task  
Force**

At the Mayor's request, the City Administrator submitted a proposed charge and timeline for the City's Environmental Task Force. The Task Force would be charged to: (1) study methods for increasing recycling and solid waste diversion in public spaces in order to achieve the city's goal of 75% landfill diversion by 2020; (2) examine ways public agencies can reduce energy consumption; and (3) develop educational programs, public outreach and other non-regulatory means for encouraging recycling, solid waste diversion and energy consumption reductions by Piedmont residents. The Task Force would be an advisory body to the City Council, have a one-year term of service and provide quarterly reports to the council as well as a final report. The proposed composition of the 5-member Task Force includes: Chair Teddy King (Park Commission Representative); Jonathan Levine (Planning Commission Representative) and Ryan Gilbert (Community Representative). In addition, one additional Community Representative will be appointed by the Council as well as a School District representative to be appointed by the Board of Education. At the Mayor's request, Councilmember Fujioka has agreed to serve as Council liaison to the Task Force.

**Public testimony** was received from:

Rebecca Schnier, Fairview Avenue, requested that the task force extensively explore the issues under its charge and utilize the expertise of Piedmonters in its work. She also stressed that since the issues being examined by the Task Force are extremely important to the future of the community, the public should be involved as much as possible.

The Council discussed the overlap between this Task Force and the Sustainability Task force that was discussed as a part of the ICLEI proposal approved by council last year. The Council also clarified the process that will be used to appoint the other member from the general public, noting that it would be similar to that used to appoint members to commissions and committees.

**Resolution 42-08**

RESOLVED, that the City Council approves Mission Statement for the Environmental Task Force as the following:

More and more Piedmont residents are concerned about the negative environmental effects of waste disposal, energy use, and greenhouse gas emissions. The Piedmont Environmental Task Force shall identify achievable short-term and long-term actions that the City and its residents may take to address these concerns. Its efforts shall focus on the following three areas:

(1) **Increasing recycling and solid waste diversion in public spaces to move the city toward its goal of 75 percent landfill diversion by 2010.** The task force shall study methods for increasing recycling in public spaces such as schools, city facilities and buildings, and parks. This is consistent with the goal set by the Alameda County Waste Management Authority (stopwaste.org). Achieving this goal will require innovative ideas, effective communication with the community, and funding support.

(2) **Reducing energy consumption by public agencies.** Reducing energy consumption is the most expeditious way to reduce greenhouse gas emissions. It can also offer financial benefits. The Task Force shall address the use of cleaner and renewable energy sources in the facilities and operations of the City and the School District that improve energy efficiency. The Task Force shall review the costs of such alternative sources and their impact on the efficiency of operations and make recommendations about short and long term efforts that public agencies can undertake to reduce energy consumption.

(3) **Education and Non-Regulatory Support for Community Emissions Reduction.** The task force shall develop educational programs, public outreach, and other non-regulatory means to encourage recycling, solid waste diversion, and reduction of energy consumption by Piedmont residents so that the recommendations ultimately adopted by the City Council and Board of Education can be effectively conveyed to Piedmont households.

Concurrently with the Task Force efforts, the City of Piedmont will be working with the City of Albany to prepare a Climate Change Action Plan (CCAP). The CCAP, which is being funded by a grant from the Bay Area Air Quality Management District, will include recommendations on some of the topics to be addressed by the Task Force. Thus, the Task Force will provide input to the CCAP consultants and receive periodic briefings on the CCAP as work progresses.

In addition, the Task Force shall review the results of the city-wide survey conducted as part of the General Plan update. The Task Force may incorporate into their recommendations such comments and suggestions made by residents as they deem appropriate.

RESOLVED FURTHER, that the following additional rules shall apply to the Task Force:

- (1) The Task Force shall be comprised of five members, including one member of the Planning Commission, one member of the Parks Commission, two members of the public to be appointed by the City Council, and one member of the public appointed by the school board. In addition, two non-voting members, one representing the City Council and the other representing the Piedmont Board of Education shall participate in the Task Force's activities. The Task Force Chair shall be appointed by the Mayor. The Mayor may appoint other non-voting members to the Task Force at his discretion.
- (2) The Task Force shall meet at a regular date and time (to be collaboratively determined based on the schedules of its members) on a monthly basis. All meetings shall be open to the public, and shall include an opportunity for public comment and feedback.
- (3) The Task Force shall begin meeting in June 2008. Each quarter thereafter it shall report in writing to the City Council, with the first report to be prepared by October 1, 2008 and a final report to be prepared on July 1, 2009.
- (4) The Task Force terminates on July 31, 2009.
- (5) The Task Force is an advisory body to the City Council and the Board of Education and is not an independent decision-making body. All of its recommendations regarding the property or operations of the City or the School District are subject to discussion and approval of the City Council or Board of Education, respectively.
- (6) The Task Force shall limit its discussions to the three topics identified in the Mission Statement. Its focus shall be on tangible, practical actions that can be implemented at the local level; and

RESOLVED FURTHER, that the Council appoints the following members to the task force:

Teddy King (Park Commission representative), Chair  
Jonathan Levine (Planning Commission representative)  
Ryan Gilbert (Member-At-Large); and

RESOLVED FURTHER, that Councilmember Fujioka shall serve as the council liaison to the Task Force; and

RESOLVED FURTHER, that the Council will recruit and appoint another member of the public at large through the standard appointment process.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0085)

## **Ordinance**

The Assistant Planner requested Council first reading approval of a proposed Ordinance Regarding Civic Green Building and Bay Friendly Landscaping Regulations for Public Facilities. Ordinance adoption is required in order for the city to continue to receive Waste Import Mitigation grant funding from StopWaste.Org. He stated that the proposed ordinance applies only to City projects in Zone B (Public

Facilities) and would impose Green Building Standards on construction projects with budgets over \$3 million and Bay Friendly Landscaping requirements on landscaping projects with budgets over \$100,000. Projects with budgets in excess \$20,000 that do not meet the thresholds would be required to meet as many of the Green Building and/or Bay-Friendly Landscaping practices as possible. He also indicated that there is a provision in the ordinance that allows the Council to waive the requirements of the ordinance in “unusual circumstances...where the public interest would not be served by complying with such provisions.”

**Correspondence** was received from: A. Sung on May 19.

**Public testimony** was received from:

Karen Kho, StopWaste.Org representative, stated that 10 of the 15 jurisdictions in the county have adopted civic green building ordinances at this time and that Piedmont and three other cities are currently in the process of adopting them. She also stated that the California Building Code includes several of green-building requirements required for certification. She went on to say that the project thresholds and requirements adopted by the other jurisdictions in the county were substantially similar to those proposed in the ordinance.

Teresa Eade, Stopwaste.Org representative, indicated that 6 of the 15 jurisdictions in Alameda County had adopted the Bay-Friendly Landscaping standards. She also indicated that there were no prohibitions on the use of pesticides.

The Council discussed the proposed ordinance, the general policy questions involved and whether action should be taken at this meeting. The Council directed staff to research and submit additional information on this matter, including a comparison of the provisions of ordinances adopted by the various jurisdictions in the county on these topics, how upcoming city projects might be affected by each of the requirements of the proposed ordinance, how the historical exemption to the requirements would work, how the city’s current practices are in compliance with the proposed ordinance, and an examination of the comments from the General Plan Survey to determine if any of them addressed these issues.

**Report by Oakland City Attorney John Russo on Possible Litigation regarding the Light Brown Apple Moth**

Oakland City Attorney John Russo presented to the Council an outline of a proposed lawsuit to be filed by jurisdictions in Alameda and Contra Costa Counties as well as the City and County of San Francisco requesting the Court to enter a temporary injunction prohibiting aerial spraying of pesticides in an effort to eradicate the Light Brown Apple Moth. Mr. Russo indicated that the intent of the lawsuit was not to stop the spraying but rather to insure that the state followed the provisions of the California Environmental Quality Act by conducting a thorough Environmental Impact report for the program. He stressed the delicate balance between public health issues and the state’s agricultural economy. Once the required environmental review is completed, individual jurisdictions would be able to examine the data and take any position they want on the spraying itself.

**Public testimony** was received from:

Margaret Ovenden, Fairview Avenue, indicated her satisfaction with the tenor of the proposed lawsuit and her delight that the City will join it.

The Mayor indicated that the Council, in closed session this evening, directed the City Attorney to examine the proposed suit, and if it is consistent with the provisions of Resolution 36-08, join the lawsuit on behalf of the City.

**Resolution Authorizing  
Sole Source Negotiation for  
The Park Tennis Courts**

The Recreation Director introduced a proposed resolution authorizing him, pursuant to Section 2.154 (c) of the Piedmont City Code, to enter into negotiations with the Saviano Company of Mountain View, on a sole source basis, for the installation of a "Floating" Tennis Court at the Guilford Avenue Tennis Courts in Piedmont Park. The request for a sole source negotiation is being made because the Saviano Company is the only provider who is licensed to construct the particular type of court required in the Park.

The Recreation Director indicated that installation of the court at this location would be the culmination of a project that has been going on for several years. He stated that he and the City Engineer visited several installations of the "Floating" tennis court system and were advised by site staff that the courts need little regular maintenance and had not cracked since their installation.

The Council discussed the proposed resolution and requested the Recreation Director, in light of the budget issues facing the City, to negotiate diligently to control costs and to inquire into the availability of a warranty for the product.

**Resolution 43-08**

WHEREAS, the City of Piedmont Guilford Road Tennis Courts in Piedmont Park require certain improvements; and

WHEREAS, the courts show severe cracks and unstable base; and

WHEREAS, a new engineered retaining wall has been constructed at the site which has stabilized the north side of the courts; and

WHEREAS, the city staff, city engineer, and consulting engineer have determined that the "floating tennis courts" design and system is an ideal solution at this site for the construction of new courts; and

WHEREAS, the said floating court system is proprietary to Saviano Company as licensed through Mr. Gordy Stroud who holds the patent; and

WHEREAS, the City Attorney has determined that City Code Section 2.154 (c) covering exceptions to the city bidding requirements for sole source contracts is applicable in this case,

NOW, THEREFORE BE IT RESOLVED that the Piedmont City Council hereby authorizes the Recreation Director to negotiate pursuant to City Code Section 2.154 (c) with Saviano Company for the

construction of tennis courts and associated improvements at the Guilford Road Tennis Courts; and

BE IT FURTHER RESOLVED, that the city staff shall report to the City Council at a future meeting regarding the outcome of the negotiations.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

## **ANNOUNCEMENTS**

Agenda Insight --The Mayor announced that the usual presenter of the League of Women Voters' Agenda Insight Program, Ann Chandler, was ill and wished her a speedy recovery.

Proposed Budget --The Mayor referenced the Budget Workshop held by the Council on May 17<sup>th</sup> and the upcoming budget hearings before the Council on June 2<sup>nd</sup> and June 16<sup>th</sup>. Copies of the proposed budget are available to the public on the City's web site as well as in City Hall.

Civic Center Master Plan-- The Mayor commented on the Civic Center Master Plan meeting held May 15<sup>th</sup> at which time the cost estimates and the scale model of the proposed project were unveiled. The cost estimates are available on the City's Web Site and at City Hall.

## **ADJOURNMENT**

There being no further business, Mayor Friedman adjourned the Council to a Closed Session at 9:18 p.m. The Closed Session resumed the Council's earlier discussion regarding employee contract negotiations with the Piedmont Police Officers Association, International Association of Firefighters, Local 1021 and the Confidential Unit Employees held pursuant to Government Code Section 54957.6.