

# PIEDMONT CITY COUNCIL

## Regular Meeting Minutes for Monday, November 3, 2008

A Regular Session of the Piedmont City Council was held November 3, 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 October 30, 2008.

### CALL TO ORDER

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, 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 and Recording Secretary Chris Harbert

### CONSENT CALENDAR

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

#### Minutes

Approves as submitted Council meeting minutes of October 20, 2008

#### Utility Undergrounding

Approves an amended agreement with Harris & Associates in the amount of \$38,190 for services as Engineer of Work on the Piedmont Hills Underground Assessment District and approves an agreement with Robert Gray Associates in an amount not to exceed \$100,000 for civil engineering services for the Piedmont Hills Underground Assessment District

#### Resolution 85-08

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

Moved by Fujioka, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(1075)

*(Note: Councilmembers Chiang and Fujioka abstained from approving that portion of the October 20 Council minutes pertaining to the Hampton/Sea View Utility Undergrounding Assessment District)*

### PUBLIC FORUM

Steven Halverson advised the Council of a very emotionally painful and traumatic encounter he had with a Piedmont police officer on September 5. He stated that he called for police assistance when he was attacked by a Piedmont resident when attempting to deliver furniture to that resident. However, the police officer's attitude and behavior in response to his call closely resembled an experience he had as a youth at the hands of the Hungarian secret police. He thanked the Piedmont Police Chief for her response in sustaining the complaint he filed against the officer in question, voiced surprise and deep regret that he experienced such treatment in the United States, stated that he has

been severely traumatized by the incident and noted his intention to pursue his grievance further.

**REGULAR CALENDAR**

The Council considered the following items of regular business:

**Memorandum of Understanding**

Pursuant to Closed Session discussions over the last 12 months, the City Administrator recommended Council approval of a three-year Memorandum of Understanding with the Piedmont Firefighters Association granting a 22% salary increase phased over the three-year period from January 1, 2008 through December 31, 2010. The Administrator stated that the Firefighter MOU mirrors that granted October 20, 2008, to the Piedmont Police Officers Association in that the MOU contains special financial contingencies as well as cost sharing provisions for retirement and health care benefits. Like the police MOU, proposed salary increases for 2009 and 2010 for the firefighters will be subject to renegotiation if the State of California either borrows or takes City of Piedmont monies. In addition, proposed salary increases for 2010 would be subject to renegotiation if the City's real property transfer tax revenue falls below \$1.8 million in FY 2008-09.

There was no **public testimony**.

Mayor Friedman reiterated his October 20 comments in noting the Council's lengthy and thorough consideration of the provisions of the MOU and the Council's consensus that the MOU is a prudent financial agreement for the City.

**Resolution 86-08**

RESOLVED, that the City Council approves a three-year Memorandum of Understanding between the City and the Piedmont Police Firefighters Association for the positions of Lieutenants, Firefighters and Engineers for the period January 1, 2008 through December 31, 2010 authorizing: (1) a 5.25% salary increase effective January 1, 2008 and a 4.5% salary increase effective July 1, 2008; (2) a 6.25% salary increase effective January 1, 2009 only if the State of California does not borrow or take money from the City of Piedmont at any time between now and the end of calendar year 2008; and (3) a 6% salary increase effective January 1, 2010 only if the City of Piedmont's real property transfer tax revenue for FY 08-09 is \$1.8 Million or higher and the State of California does not borrow or take money from the City of Piedmont at any time during 2009.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0910)

**Tentative Parcel Map  
71 & 73 Dudley Avenue**

The City Planner recommended Council approval of requested amendments to the Tentative Parcel Map for 71 Dudley Avenue (originally approved April 4, 2005) to address "field" conditions related to sewer location, sidewalk right-of-way easement and demolition schedule of existing site structures. The Planner briefly reviewed the proposed conditions recommended by City staff in connection with parcel map amendment.

**Correspondence** was received from: Moran Engineering, Oct. 9; Grier Graff, October 1 and 13.

There was no **public testimony**.

**Resolution 87-08**

RESOLVED, that the City Council approves the proposed amendments to the Tentative Parcel Map subdivision (application #04-0518) at 71 Dudley Avenue, subject to the following condition of approval:

1. Prior to approval of the Parcel Map, the applicants shall agree, pursuant to an agreement prepared by the City Attorney and executed by the applicants, that the existing garage and attached cottage may be used as temporary living quarters, subject to the following:
  - a. Before occupancy and before approval of the Parcel Map, the cottage shall be inspected by the Building Official for compliance with the Building Code and the applicants shall make any upgrades necessary for safety and have them re-inspected;
  - b. The cottage may be used as temporary living quarters only until December 31, 2010, or until the certificate of occupancy is issued for the new residence, whichever occurs first. The cottage and existing garage shall be demolished and removed within 30 days after the triggering date or event;
  - c. The cottage may be used only by the applicant or property owner and may not be rented or used by another family; and
  - d. The agreement shall be recorded in the County Recorder's Office and shall bind successors in interest.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(1010)

**Ordinance**

The Recreation Director recommended first reading approval of proposed Ordinance 683 N.S. modifying the Dracena Park Quarry Use Restrictions to address problems/complaints arising from large social gatherings/parties occurring in the park. He stated that the proposed use restriction modifications were developed by the Recreation Commission in response to several public hearings and neighborhood complaints regarding large gatherings occurring almost every weekend in the park. The proposed restrictions are intended to mitigate noise and parking impacts arising from generator-powered bounce houses/jumpies and formally catered parties on the neighborhood as well as other park users.

**Public testimony** was received from:

Leesy Taggart, Recreation Commission Chair, reviewed the Commission's consideration of ways to address neighborhood complaints arising from large social/party gatherings, noting that the proposal will clarify existing park restrictions and provide improved

signage for better police enforcement of park rules. She added that if the ordinance is adopted, the Commission will re-evaluate the effectiveness of the proposed restrictions next fall. However, should unintended consequences or other problems occur before the scheduled review period, the Commission will reconsider the issue immediately. She emphasized that the Commission's intent is to be fair and reasonable in balancing the interests and enjoyment of park users and neighboring residents.

The Council discussed the proposed restrictions at length, voicing concern that as proposed, the restrictions are too broad. The Council voiced concern that prohibitions against bringing furniture into the park could penalize families who use folding chairs while watching their children/grandchildren play. In addition, the prohibition against cooking could penalize families who use small hibachis and grills to heat food. The Council also stressed its desire that the proposed ordinance be clarified to insure that the proposed ban against caterers does not prohibit park users from having sandwiches, pizza or other take-out food delivered to family gatherings. The Council requested staff to examine Section 3.3.4 of the City Code to determine if the provision concerning "outdoor fire" pertains to small hibachis or grills and propose amendments if necessary. The Council agreed that the use of large, commercial BBQs in the park is inappropriate and should be prohibited but felt that such prohibition was covered under the ban against the use of "on-premise caterers." In the end, the Council agreed that proposed Section 3.7.3.e should be revised to read as follows:

Private Equipment/Caterers. Inflatable (or otherwise) "jumpers", bounce houses, astrojumps, use of generators, and on-premises caterers are prohibited. (*language deleted*).

**Resolution 88-08**

RESOLVED, that the City Council approves the first reading of Ordinance 683 N.S., as amended herein, regarding modifications to the Dracena Park Quarry Use Restrictions.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0705)

**ADA Program**

The Public Works Director recommended that the Council schedule a public hearing on the City's proposed Americans with Disabilities Act Transition Plan. The City's consultant in this matter, Margen & Associates, has completed its study identifying impediments to accessibility that need to be corrected pursuant to the Americans with Disabilities Act (ADA) and the next step in the process is to seek input from Piedmont residents. The proposed public hearing will commence with a brief presentation by Margen & Associates describing the project, showing examples of existing conditions and discussing the requirements of ADA. After the public comment period, Margen & Associates will finalize the proposed Transition Plan for Council consideration and implementation. The Director recommended that the proposed date for the public hearing be December 2. He noted that this hearing date will be widely publicized in the local press, City website and KCOM reader board.

**Resolution 89-08**

RESOLVED, that the City Council schedules a Public Workshop on the City's proposed Americans with Disabilities Act Transition Plan for Tuesday, December 2, 2008, at 7:30 p.m. in the City Hall Council Chambers.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0270)

**ANNOUNCEMENTS**

Election Day – the Mayor encouraged registered voters to vote in tomorrow's national election, noting that the City Clerk's office will be open until 8:00 p.m. tomorrow to answer any questions or assist voters.

Climate Action Survey – the Mayor encouraged Piedmont residents and business owners to participate in the City's on-line survey of issues related to reducing greenhouse gas emissions as part of the City's preparation of a Climate Action Plan.

Flu Shots – the Mayor encouraged residents to get vaccinated against the flu at a discounted price of \$20. Flu vaccines can be obtained on November 7 at Beach School, November 14 at Wildwood School and November 21 at the Piedmont High School. Pneumonia shots are also available for \$45. More information is available on the City's website.

Tree Lighting Ceremony – the Mayor encouraged residents to attend the City's annual *Holiday Tree Lighting* on December 3 at 7:00 p.m. in Piedmont Park.

Bus Shelter – the Mayor congratulated the Public Works Director and his staff on the timely completion of the new bus shelter on Highland Way.

**ADJOURNMENT**

There being no further regular business, the Mayor adjourned the Council to Closed Session at 9:05 p.m. for the purposes of: (1) discussing FY 07-08 management employee performance evaluations pursuant to Government Code Section 54957; and (2) negotiations with Piedmont Choirs regarding City property at 403 Highland Avenue pursuant to Government Code Section 54956.8.