

# PIEDMONT CITY COUNCIL

## Regular Meeting Minutes for Monday, October 20, 2008

A Regular Session of the Piedmont City Council was held October 20, 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 16, 2008.

### **CALL TO ORDER**

Following a 7:00 p.m. Closed Session regarding employee contract negotiations with the Piedmont Police Officers Association held pursuant to Government Code Section 54957.6, 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, Finance Director Mark Bichsel, 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 item was considered under one vote by the Council:

#### **Minutes**

Approves as submitted Council meeting minutes of October 6, 2008

#### **Resolution 81-08**

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

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

### **PUBLIC FORUM**

There were no speakers for the public forum.

### **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 Police Officers Association granting a 22% total salary increase phased over the three year period from January 1, 2008 through December 31, 2010. The City Administrator highlighted the major provisions of the contract, especially the special financial contingencies included in light of the nation's current economic crisis. In particular, he noted that proposed salary increases for 2009 and 2010 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. The proposed MOU also contains cost sharing provisions for retirement and health care benefits.

**Public testimony** was received from:

George Childs voiced support for the proposed MOU, stressing that high quality police services benefit all City residents.

George Kersh felt that the proposed salary and benefit package was too generous given the current economic times and the fact that Piedmont is a low-crime, safe City for police officers to work in.

The Mayor reiterated the Council's lengthy and thorough consideration of the proposed provisions of the MOU and the Council's consensus that the MOU is a prudent financial agreement for the City.

**Resolution 82-08**

RESOLVED, that the City Council approves a three-year Memorandum of Understanding between the City and the Piedmont Police Officers Association 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)

**Fairview Parking  
District**

The Public Works Director recommended that the Council permanently approve the Fairview Avenue residential parking district implemented on a trial basis in March (approved by the Council on February 4, 2008). He noted that the parking program has been generally well received by all parties in the Fairview neighborhood (Kehilla Synagogue, Ann Martin Children's Center and neighborhood residents) and appears to have accomplished the objective of mitigating parking congestion and complaints. The Director requested that the parking district be modified to: (1) install a passenger loading zone adjacent to the existing handicapped space at Kehilla Synagogue limited to only Saturdays from 9:00 a.m. to 3:00 p.m.; and (2) remove, at the request of the property owners of 36 and 40 Fairview, the two designated residential parking spaces in front of their residences and return these two spaces to general on-street parking. The Police Chief concurred with the Director's report, adding that the number of parking complaints the Police Department has received has significantly decreased since the residential parking district was implemented. She added that based upon parking surveys, it appears that 85% of the time, on-street parking in the area is available to the general public and with the addition of the two spaces in front of 36 and 40 Fairview, this availability percentage will increase.

**Public testimony** was received from:

Hal Feiger, a member of Kehilla Synagogue, referenced his letter of August 5 in urging that the parking district be disbanded. He felt strongly that the Saturday parking restrictions in place during the Synagogue's worship hours have a detrimental impact on religious services, are not justified based upon traffic/parking survey data, set a bad precedent by encouraging other residents to attempt to commandeer public on-street parking for their personal benefit and appear to single out Kehilla when other Christian churches in Piedmont are not burdened by similar parking limitations.

Bevan Vinton, Don Condon, Vivian Barron and David Riker, all Fairview residents, concurred with staff's recommendation, agreeing that the parking district has been a fair and equitable solution for addressing the neighborhood's parking problems and should be approved on a permanent basis.

Sandy Bredt, Kehilla Synagogue Executive Director, voiced the Synagogue's reluctant support for the continuation of the restricted parking program. She agreed with Mr. Feiger that the parking restrictions are burdensome on the congregation and have had the unpleasant result of many non-resident attendees feeling unwelcomed in Piedmont. However, she felt that the addition of a passenger loading zone will help the Synagogue's elderly and handicapped members to more easily attend services. Ms. Bredt voiced her disappointment that other solutions for relieving parking congestion on Saturday mornings, such as modifying the hours of operation of the Ann Martin Center were not pursued so that the Kehilla Synagogue was not so adversely impacted. She also noted that during weekdays, most of the "resident only" parking spaces go unused and she suggested that the plan be modified to designate "resident only" hours to mornings and evenings, leaving the afternoon time open to general public parking.

David Theis, Executive Director of the Ann Martin Center, concurred with the staff recommendation, agreeing that in general the parking district has been successful in mitigating parking conflicts in the mixed use neighborhood.

**Resolution 83-08**

RESOLVED, that the City Council formalizes and permanently approves the Fairview Avenue residential parking district, as modified to: (1) include the installation of a passenger loading zone to be marked with white paint on the curb adjacent to the existing handicapped space at Kehilla Synagogue limited to only Saturdays from the hours of 9:00 a.m. to 3:00 p.m.; and (2) remove the two designated "residential only" parking spaces in front of 36 and 40 Fairview from the district, with the understanding that if in the future the property owners desire to be once again included in the parking district, the Public Works Director has the discretion to so re-designate these spaces.

Moved by Chiang, Seconded by Keating

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0735)

**Public Hearing:  
Coaches Playfield  
Turf & Lighting  
Project**

The Recreation Director recommended that the Council hold the first of two public hearings regarding the adoption of a Negative Declaration based upon the completed Initial Study of the proposed Coaches Playfield Synthetic Turf and Field Lighting Project. The Director stated that a CEQA study of the proposal was conducted by Mr. Benson Lee on a synthetic turf proposal for Coaches Playfield prepared by Callender Associates as well as a photometric field lighting study prepared by Visual Simulation Analysis.

Mr. Benson Lee, the City's CEQA consultant, reviewed his evaluation of the Coaches Playfield Project, responded to Council questions concerning the examination and explained the public comment and response process to be undertaken during the required 30-day comment period on the proposed Negative Declaration.

**Correspondence** was received from: Margaret Ovenden, Tami Collins, Jack Sorensen, Mark Landheer, John Bird, Terrence McGrath, Kristi & Clay Mitchell, John Shields, Polvorosa family, Len Gilbert, Robert Houser, Richard Meyers, Barbara Love, Gustke family, Mallory Hill, Gary Beasley, Claudia Harrison, James Carlson, Stacy Turner, Jacqueline Van Lang & Daniel Sivoletta, Elisa & Jonathan Goody, John Dotson, Heidi Monical, Rob, Don Eidam, Diana Dotson, Andrea Hackett, Eric, Jason Altieri, Paul Tiao, Marianne Mitosinka & George Wick

**Public testimony** was received from:

George Childs requested information concerning cost comparisons between natural grass and synthetic turf in terms of initial installation and annual maintenance. He also felt that since only a small percentage of residents would benefit from the installation of field lighting, the cost of such installation be borne by private donations and not City funds.

Dick Hunt, Recreation Commission representative, summarized the Commission's review and recommendation regarding the installation of synthetic turf and its intent to consider and make a recommendation regarding the field lighting proposal at its November meeting. As a Piedmont Baseball Foundation Board Member, Mr. Hunt stressed the critical shortage of available playfields for Piedmont youth sports and the fact that the Coaches proposal for synthetic turf and field lighting is the most cost effective means for significantly increasing field availability. He also emphasized that field lighting technology has vastly improved since the time Coaches was originally developed and his belief that the installation of field lighting now would have little adverse impact on neighboring properties.

Randy and Celia Wedding of Moraga Avenue strongly opposed the installation of field lighting at Coaches Playfield, believing that they would be significantly impacted by such installation even though the Initial Study and Negative Declaration failed to indicate such impact on their property. They questioned the accuracy and assumptions of the Initial Study in terms of assessing the impacts related to noise disturbance, lighting glare and wildlife/natural habitat protections. They felt the City's CEQA process was flawed and that a Negative Declaration related to the project should not be adopted. The Mayor

encouraged the Weddings to submit their concerns and questions in writing so that the CEQA consultant can include the comments and his responses in the official record.

Steve Collins, Piedmont Soccer Club Field Director, concurred with Mr. Hunt's comments regarding the critical need for more playfield space to accommodate the 1,100 Piedmont kids who participate in soccer. He added that field lighting would increase the Soccer Club's practice time by approximately 50%.

Mia Trindle of Scenic Avenue, agreed with the Weddings that a full, comprehensive EIR rather than Initial Study should be prepared in connection with the proposed field and lighting project, felt that the Negative Declaration process limits residential input, criticized the study for failing to consider seasonal changes and the Moraga Canyon effect in assessing field lighting impacts, felt that the study failed to indicate that her property would be significantly impacted and disagreed with the study's findings that there is no acoustical difference between daytime and evening field use in terms of impact on surrounding neighbors.

Paul Tiao of Abbott Way voiced support of the turf and lighting proposal and noted that many other neighborhood residents share this position.

The Council requested that information regarding the following issues be submitted at the next public hearing (December 1) on this matter:

- Site locations of other fields with similar lighting to that being proposed for Coaches – this information, including times when lights are in operation, to be posted on the City's website;
- How the lights will be operated to assure that they are on only during approved times;
- Information clarifying in layman's terms the assumptions and conclusions contained in the lighting study and whether seasonal changes were considered in assessing impacts;
- Information responding to the toxicity and health concerns raised in Ms. Margaret Ovenden's e-mail regarding synthetic turf materials;
- Capital and maintenance cost estimate comparisons between natural grass and synthetic turf fields;
- Ambient noise survey used to establish a base-line level and whether such noise survey included times when the field was in use for practices and games;
- Whether Federal Fish & Wildlife standards for assessing impacts on wildlife and endangered species were or should have been included in the study. Additional information regarding the project's impact on deer and other wildlife in the area;
- Perform site visits to the Weddings and Trindle residences to better assess project impacts.

**Hampton/Sea View  
Utility Underground**

The City Clerk stated that on August 20, 2007, the Council approved a Resolution of Intention for the Hampton-Sea View Underground

**Assessment District**

Assessment District and accepted a \$259,800 deposit from district proponents to cover preliminary expenses related to the district. PG&E approval of district plans have now been obtained and proponents are ready to proceed with the preparation of bid documents and contract approval for bond counsel legal services.

The Deputy City Attorney explained that three Councilmembers (Friedman, Chiang, Fujioka) currently live within 500 ft. of the proposed district boundaries. Normally, these members would recuse themselves from all discussions and actions on this issue. But the City Charter requires that no action of the Council shall be valid without the affirmative vote of three or more members. Therefore, under Government Code Section 87100 and California Code Section 18708, the Council must choose by random which individual shall remain the third voting Councilmember on this matter. The Deputy City Attorney explained the random, "drawing lots" practice to be used to determine which two members will be recused, adding that any one of the three Councilmembers could independently and voluntarily recuse themselves from the matter. It was noted that while Mayor Friedman and Councilmember Chiang live within 500 ft. of district boundaries, they do not live within the proposed district. However, Councilmember Fujioka does live within the proposed boundaries and would be subject to a financial assessment if the district is ultimately established. Therefore, she independently recused herself from participating in Council consideration of the matter. Mayor Friedman and Councilmember Chiang then drew straws and it was determined that Mayor Friedman would be the third voting member for the duration of the Council's consideration of the Hampton-Sea View Assessment District.

Before proceeding with consideration of approving a bond counsel agreement for the Hampton-Sea View district, the Council conducted the **Announcement** portion of the meeting so that the recused members would not need to return to the chambers.

After Councilmembers Chiang and Fujioka recused themselves and left the chambers, the Council considered the proposed agreement with Orrick, Herrington & Sutcliffe LLP for bond counsel legal services to the Hampton-Sea View Underground Assessment District. The City Clerk stated that district proponents have provided sufficient funds for bond counsel legal services.

**Resolution 84-08**

RESOLVED, that the City Council approves the submitted agreement with Orrick, Herrington & Sutcliffe LLP for legal services as bond counsel to the Hampton-Sea View Underground Assessment District.

Moved by Barbieri, Seconded by Keating

Ayes: Friedman, Barbieri, Keating

Noes: None

Recused: Chiang, Fujioka

(1075)

**ANNOUNCEMENTS**

City Website – the Mayor announced that streaming videos of Council meetings are now available on the City's website.

Haunted House – the Mayor encouraged residents to attend the City’s *Magnolia Manor* Haunted House sponsored by the City’s Recreation Department. The Haunted House will be open evenings from October 22 through 24<sup>th</sup>.

Flu Shots – the Mayor encouraged residents to get vaccinated against the flu at a discounted price of \$20. Flu vaccines can be obtained on October 24 and November 21 at the Piedmont High School, November 7 at Beach School and November 14 at Wildwood School. Pneumonia shots are also available for \$45. More information is available on the City’s website.

**ADJOURNMENT**

There being no further business, Mayor Friedman adjourned the meeting at 10:10 p.m.