

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, December 1, 2008

A Special and Regular Session of the Piedmont City Council was held December 1, 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 November 26, 2008.

CALL TO ORDER

Following a 6:00 p.m. Closed Session regarding candidate interviews for interim Police Chief, negotiations with Piedmont East Bay Children's Choirs pertaining to City property at 403 Highland Avenue and performance evaluation of the City Administrator held pursuant to Government Code Sections 54957(b)(1), 54956.8 and 54956(b)(1), respectively, Mayor Friedman called the meeting to order at 7:40 p.m. with the Pledge of Allegiance.

ROLL CALL

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

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

Piedmont Board of Education: President June Monach and Board Members Rick Raushenbush, Ray Gadbois and Roy Tolles

Absent: Board Member Martha Jones

School District Staff: School Superintendent Constance Hubbard

PUBLIC FORUM

There were no speakers for the public forum.

TOYS FOR TOTS

Fire Chief Speakman, Fire Engineer Tessandori and U.S. Marine Corps Sergeants Lewis and Cox announced that the Piedmont Fire Department is once again assisting the U.S. Marine Corps in collecting new, unwrapped toys for the Corps' annual *Toys for Tots* Program. Toys can be left any time at the Fire Department between now and Christmas Eve. This is the 23rd year, under the leadership of Engineer Tessandori, that the Piedmont Fire Department has participated in *Toys for Tots*. The Council thanked Engineer Tessandori, the U.S. Marine Corps and Piedmont residents for their long-standing support of this wonderful program.

SPECIAL SESSION

The Mayor announced that the purpose of tonight's special session is to hold a joint meeting with the Piedmont Board of Education to consider possible site locations for the portable classrooms which will be needed for the next three to four years while school facilities are undergoing seismic upgrading pursuant to the School District's Measure E program. School Board President Monach briefly reviewed the history of the District's Measure E program, noting that construction at Havens and the High School will begin in June 2009, followed by seismic upgrades at Wildwood School in 2010 and Beach School 2011.

Temporary portable classrooms will be required to house students displaced by the construction projects and tonight is the third of four public hearings on possible location sites for these portables. The final hearing before the School Board will be December 10.

School Superintendent Hubbard narrated a power-point presentation of the interim housing analysis underway, noting in particular the number of portable classrooms needed, the installation and rental costs involved with such portables and location site criteria. Based on the findings to date, the following location sites have been tentatively eliminated as viable options based upon issues related to topography, student safety, access and site restoration costs: Bonita Avenue, Magnolia Avenue, PHS campus, Claremont Country Club property, Mountain View Cemetery property, Witter Football Field, Dracena Park and Recreation Center Tennis Courts. Possible sites still under consideration are:

- Coaches Playfield
- Blair Park
- Beach Playfield/Tennis Courts/Tot Lot
- Piedmont Sports Field
- Witter Baseball Field
- Wildwood Blacktop & Witter Softball Field

Of the possible sites mentioned, the Superintendent noted her recommendation that continued analysis be directed toward assessing the viability of using the Wildwood Blacktop/Witter Softball Field, Piedmont Sports Field or Blair Park as portable sites and consideration also be given to exploring the feasibility of instituting split session schedules for the elementary schools.

Correspondence was received from: Angela Champion, undated; Donna Williamson, undated; Cynthia Perez, Dec. 1; Jan Matsuno, Dec. 1; Len Gilbert, Dec. 1.

Public testimony was received from 37 residents. The following major points were highlighted during the lengthy comment period:

Witter Baseball Field – Lauren Tate, Paul Hennessey, Bruce Feder, Chris Kukula, Mal Pacheco, Alan Titus, Oren Jacobs, Peter Lahaderne, Mark Menke and Paul Lahaderne all voiced strong opposition to locating the portables on the baseball field, citing the following reasons: (1) the neighborhood streets accessing Witter Field are already heavily congested with on-street parking and traffic flow and cannot safely accommodate additional school and bus traffic; (2) because of the narrowness of Winsor and Park View Avenues and their already congested parking situation, the safety of children walking to and from the site would be jeopardized; (3) the narrow access streets to the baseball field would impede emergency vehicle maneuvering and to make the situation safe for emergency vehicles and/or pedestrians, consideration would have to be given to making these streets one-way which would significantly inconvenience neighborhood residents; (4) the neighborhood has already endured significant disruption caused by Witter Field renovation; and (5) for the first time in years, PHS has a championship baseball program and the loss of the only full-sized diamond in the area for the next few years would significantly impact

community baseball players and the ability of Piedmont Baseball Foundation, PHS and North/South Little League to continue to offer baseball opportunities to Piedmont kids.

Tina Coleman, George Childs, Robert Houser, voiced support for the Witter baseball field location, stating that: (1) neighborhood traffic congestion concerns could be mitigated by designating student drop-off zones and/or instituting a shuttle service for students and teachers; (2) the Witter location is the most cost-effective site for the district; and (3) this central site would be the most convenient for students walking to and from school.

Beach Playfield/Tennis Courts/Tot Lot – Joe Loduca, Patricia Andrews, Ed Pacult, Christina Whitley, Teresa Stricker, Bob Katter, Tina Coleman, Craig Lundin, Andy & Daniela Skov, Miles Perkins, John Gibbs, CheeKeong Lin, David Trebotich, John Davies, all voiced strong opposition to locating the portables on the Beach Playfield/Tennis Courts/Tot Lot, citing the following reasons: (1) the school is already overcrowded and cannot accommodate additional portables and students without totally eliminating any play space for student recess; (2) Beach playfield is the only open play space in this area of Piedmont and the only City field with an all-year synthetic surface and field lighting -- its loss would have a devastating impact on community, school and City sports programs; (3) the placement of portables at Beach and the squeezing in of so many additional students would be too disruptive for proper education to occur; (4) the Beach site would place a disproportionate burden on Beach School students during the 4-year duration of the seismic upgrade project; (5) Beach School borders a heavily congested traffic corridor and the addition of so many extra students and teacher parking would increase vehicle and pedestrian traffic to the detriment of public safety; (6) proposed construction at the adjacent PG&E property will also impact current neighborhood traffic/parking congestion and it would be unsafe to compound this congestion by adding additional students and traffic flow; (7) existing grade differences between the field, tennis courts and tot lot would have to be mitigated by ramping, thus imposing accessibility costs to using this site; (8) the cost of renovating Beach field following School District use is too expensive and not a good use of community tax dollars; and (9) the Beach tot lot is the only enclosed, safe sand lot in the area and is very popular and well used by neighborhood mothers.

Blair Park – was the first choice of Eric Havian, Mark Menke, Paul Lahaderne, Clarence Mamuyac, Mal Pacheco and Allisen Asercion, citing the following reasons: (1) site preparations for portable location would be compatible with PARC's proposed sports complex development plan for Blair Park, thus providing a beneficial cost sharing arrangement between the City, School District and private donors; (2) the site involves the least neighborhood impact of any other location under consideration; (3) unlike other options, its choice would not involve the loss of any existing playfield space or impact existing community sports programs which are an important and integral part of a quality educational system; (4) the City should take advantage of the cost sharing opportunity to improve the aesthetics and traffic safety condition of this long-neglected Moraga Avenue entrance to the City.

Lillis Stern opposed siting the portables at Blair, citing traffic and pedestrian safety concerns and a belief that site preparations for portable installation cannot be completed by the August 2009 start of the school year.

Wildwood Blacktop & Witter Softball Field – this site was the 2nd choice option of the Community’s Sports Club spokesman Eric Havian, noting that the softball field is only used 6 months out of the year and its loss to sports groups could be offset if: (1) the City relaxed its Sunday use restrictions against games being played at Coaches, Beach and Piedmont Sports Fields; (2) a synthetic turf surface and field lighting are installed at Coaches Playfield to increase the number of hours that this field is available for soccer and other sports; and (3) the School District once again grants one practice slot at Witter Baseball Field to community sports groups.

Lauren Tate and Alan Titus also criticized the School District for its failure to adequately notice the neighborhoods surrounding proposed portable location sites and relayed their concerns that the District has in fact already decided the issue. Mr. Titus encouraged the District to consider potential sites outside of the City limits for portable location if such locations are less expensive than in-City sites.

Elizabeth Epstein, Chris Kukula and Jennifer Alderman urged the School District to hire a site planner to assist in analyzing all potential sites before any site is eliminated from consideration, prepare a spreadsheet indicating the pros and cons of each site so that residents can understand the basis for the District’s decision and conduct a thorough and transparent evaluation of potential sites.

Jukka Valkonen opposed placing the portables at Piedmont Sports Field, citing the public safety threat posed by Tyson Lake, the field’s poor drainage, the loss of the City’s only regulation sized-basketball courts and the undesirability of mixing high school students with the park’s current PlaySchool pre-schoolers.

Marianne Wick supported locating all the needed portables at one site rather than splitting them up, believing that this would be the most cost effective and efficient approach.

Claudia Harrison, Havens Parents Club President, noted that 1,000 Piedmont students will be affected by the District’s decision and she urged Board Members to make its decision based upon the best interest of these kids. She also voiced opposition to the proposed double-session schedule option, stating that such scheduling is too disruptive for parents.

Following public testimony, the Council and School Board provided the following input to staff:

City Council:

- **1st Location Choice – Blair Park** – opportunity for cost sharing partnership between the City, School and private donors to make this City entrance to Piedmont safer and more attractive; most cost effective site for the City; least impact on

community sports programs; sufficient room for classrooms, play space and auxiliary portables;

- **2nd Location Choice – Wildwood Blacktop & Witter Softball Field** – acceptable alternative if the Blair Park location cannot be prepared in time to meet the District's deadline for portable installation;
- **Low Priority Site – Piedmont Sports Field**
- **Least Acceptable Site – Beach Playfield** -- disproportionate impact on Beach students and neighborhood; huge impact on community sports programs; low City/School partnership opportunity.
- **801 Magnolia** – Councilmember Keating proposed consideration of this location since demolition of the existing structure is consistent with the proposed Civic Center Master Plan and the site is in close proximity to PHS and PMS.

The City Administrator was instructed to:

- Request the City's Traffic Engineer to evaluate traffic and pedestrian issues and propose mitigation measures associated with the Council's 1st and 2nd Location Choices;
- Discuss with the City's CEQA consultants the timing and logistics involved with including in the proposed combined full EIR for the Coaches and Blair Park Sports Field Projects, a CEQA analysis of the temporary placement of classroom portables at Blair;
- Provide an estimated timetable and cost estimates for site preparations and related pedestrian/traffic safety improvements at the Blair Park site necessary to accommodate the location of classroom portables;
- Develop a plan for implementing the installation of portables at Blair that includes an examination of traffic, CEQA and land ownership issues as well as a proposed time-line.

On a Motion by Councilmember Chiang, Seconded by Vice Mayor Barbieri and Unanimously Carried, the Council agreed to extend tonight's meeting to 12:00 a.m. in order to complete agenda consideration.

School Board:

- **Blair Park Location** – was supported by Board Members Gadbois and Tolles for the reasons cited by the Council. Board Members Raushenbush and Monach voiced concerns that the Blair site posed too many traffic/pedestrian safety issues, was too far removed from other school sites, involved excessive site preparation costs and may not be ready in time to meet the June 2009 start of construction at Havens and PHS.
- **Wildwood Blacktop & Witter Softball Field** – was supported by Board Members Monach (1st choice) and

Gadbois (2nd choice) if traffic/parking issues can be mitigated, fire safety issues resolved and City use restrictions on existing fields are relaxed to offset the loss of the use of the softball field by community and school sports programs.

- **Piedmont Sports Field** – was the 1st choice of Board Member Raushenbush if it can be determined that Tyson Lake poses no student safety issues.
- **801 Magnolia** – was supported by Board Member Tolles as a supplemental location site if the Board decides that a second portable site is necessary to alleviate overcrowding at the primary site.
- **Beach Playfield** – was not supported by any Board Member.

The School Board concurred with the Council's direction to the City Administrator, requesting in addition that:

- The Fire Chief review the Wildwood Blacktop/Witter site to determine that firefighting personnel will be able to adequately access the portables in an emergency situation;
- The CEQA consultant be asked if an Initial Study and Mitigated Negative Declaration, rather than full EIR, would be possible for the placement of portables at Blair Park;
- The City's Traffic Engineer include an examination of the feasibility of a shuttle service to both the proposed Witter and Blair sites.

Following conclusion of this matter, the Mayor recessed the meeting at 11:25 p.m. for a brief break. The meeting was reconvened at 11:35 p.m.

REGULAR SESSION

PUBLIC FORUM

There were no speakers for the public forum.

CONSENT CALENDAR

Minutes

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

Approves as submitted Council meeting minutes of November 17, 2008

Agreement

Accepts the Main Park Tennis Courts Improvement Project, the Recreation Center and Hampton Tennis Courts Resurfacing Projects as completed by Saviano Company, authorizes the filing of a Notice of Completion for the Main Park Tennis Courts Project with the Alameda County Recorders Office and authorizes final payment to Saviano Company 35 days following the official recording date.

Resolution 94-08

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

(Note: Mayor Friedman abstained from the vote approving the November 17 Council minutes)
(0045)

Coaches Playfield

The Recreation Director briefly reviewed the status of the CEQA studies undertaken for both the proposed turf and lighting improvement project at Coaches Playfield (Initial Study submitted to Council on October 20, 2008) and the Blair Park Sports Field Project (authorized by the Council on June 16, 2008) in stating that the City's CEQA consultants now recommend that a full Environmental Impact Report be initiated combining these two projects. The consultants' recommendation is pursuant to CEQA requirements as to what constitutes cumulative impacts and is based upon the similarity of use and close proximity of the two projects. The EIR will utilize all the CEQA work done to date on both Initial Studies.

Correspondence was received from: Benson Lee, November 24.

Public testimony was received from:

Benson Lee, the City's CEQA consultant for the Coaches Playfield Turf & Lighting Project, concurred with staff's recommendation, adding that the proposed Negative Declaration prepared for the Coaches Playfield Project is no longer appropriate.

Joannie and Jim Semitekol reiterated their previously stated strong opposition to the installation of field lighting at Coaches Playfield and criticized the City for failing to uphold past promises to the surrounding neighborhoods that lights would never be installed at Coaches. They felt that the Initial Study and proposed Negative Declaration failed to address neighborhood concerns as evidenced by response comments and while they supported a combined full EIR for both the Coaches and Blair Park playfield projects, they again criticized the City for failing to take this action earlier.

Stephen Tindle inquired if previous neighborhood requests that the environmental study address issues of noise and lighting impacts associated with field use during the times when the surrounding deciduous trees have lost their leaves were acted upon and whether staff followed up on requested site visits by neighbors.

Joan Anspach voiced strong opposition to field lighting, stressing that the proposed light standards are 60 ft. tall and as a consequence will have a huge visual impact on the San Francisco Bay views of neighbors. She agreed with the Semitekols that the proposed stadium lighting of Coaches is contrary to promises made to the neighborhood when the field was developed and expressed doubt that the submitted lighting study accurately depicts the actual impact field lighting will have on surrounding properties.

Margaret Ovendin voiced strong opposition to the installation of a synthetic turf surface at Coaches, citing fears regarding the human health risks associated with such materials. She requested that the Council defer action on turf installation until the completion of an upcoming study by the State of California regarding the health impacts of synthetic turf surfaces.

On a Motion by Vice Mayor Barbieri, Seconded by Councilmember Chiang and Unanimously Carried, the Council agreed to extend

tonight's meeting to 12:30 a.m. in order to complete agenda consideration.

George Childs opposed the installation of lights at Coaches based upon past promises made to surrounding neighbors and the added expense of proceeding with a full EIR.

Paul Tiao noted that approximately 25% of the surrounding neighborhood supports the proposed turf and lighting improvements at Coaches.

Eric Havian supported approval of the proposed turf and lighting improvements at Coaches Playfield, noted that field lighting would only be used from late February through daylight savings (not in December or January) and field activity under the lights would be practice sessions and not games, thus noise levels would be minimal. He requested opposing neighbors to produce documentation from 1992 attesting to the often-cited City Council promise not to install lights at Coaches. However, he added that field lighting technology has been vastly improved since the early 90's to the point now that light spill and glare are no longer valid concerns.

Mr. Lee responded to questions from the Council concerning various aspects of the Initial Study analysis of lighting and noise impacts and the Mayor requested that Mr. Lee and staff propose a list of standards for determining "significant noise impacts" if adopted standards are not currently in place. The City Administrator also responded to questions as to why the CEQA studies for both Coaches and Blair Park were not initially combined into one EIR.

On a Motion by Vice Mayor Barbieri, Seconded by Councilmember Chiang and Unanimously Carried, the Council agreed to extend tonight's meeting to 12:45 a.m. in order to complete agenda consideration.

In the end the Council supported staff's recommendation that the two CEQA studies be combined into a full EIR, stressing that such approval/authorization in no way implies that the Council has reached a decision regarding the proposed turf and lighting improvements at Coaches Playfield.

Resolution 95-08

RESOLVED, that the City Council suspends any further CEQA Initial Study work on the Coaches Field Synthetic Turf & Field Lighting Project, including any *Response to Comments*, as well as on the Blair Park Sports Field Project; and

RESOLVED FURTHER, directs that Coaches Field Synthetic Turf/Field Lighting Project and the Blair Park Sports Field Project be amalgamated into one project for CEQA purposes and that the City initiate the completion of an Environmental Impact Report (EIR); and

RESOLVED FURTHER, appropriates an amount not to exceed \$70,000 for the preparation of an EIR and authorization for the entering into agreement with Benson Lee Consulting or LSA Associates as

determined by the City Administrator for the preparation of said EIR;
and

RESOLVED FURTHER, that the City Administrator has the discretion to work with the Piedmont School District in incorporating the possible location of portable classrooms at Blair Park into the CEQA review process.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0745)

FY 07-08 City Audit

The Finance Director recommended Council acceptance of the FY 07-08 audited financial statements and auditor's report on compliance and internal control over financial accounting based on an audit of financial statements performed by Maze and Associates in accordance with *Government Auditing Standards*. He noted that the Council's Audit Committee (Barbieri, Chiang) met with the auditors and have reviewed and accepted, without reservation, the audit documentation.

Mark Wong of Maze and Associates stated that no material weaknesses or significant deficiencies were discovered during the auditing process.

Resolution 96-08

RESOLVED, that the City Council accepts the FY 2007-08 audited financial statements and auditor's report on compliance and internal control over financial accounting based on an audit of financial statements performed in accordance with *Government Auditing Standards*.

Moved by Fujioka, Seconded by Keating

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0165)

On a Motion by Vice Mayor Barbieri, Seconded by Councilmember Chiang and Unanimously Carried, the Council agreed to extend tonight's meeting to 1:00 a.m. in order to complete agenda consideration.

Salary Resolution

The Mayor recommended Council approval of a 3% salary increase for the City Administrator, effective July 1, 2008, pursuant to Closed Session deliberations. The Mayor added that despite the fact that the City Administrator was entitled to a 5% salary increase based upon the City's Performance Based Compensation Plan, the Administrator requested a 3% increase in accordance with that granted to City management employees on November 17 in recognition of the current economic uncertainties facing the City. The Mayor expressed his appreciation to the City Administrator for this action.

Public testimony was received from:

George Kersh inquired why the amount of the proposed increase was not included in the meeting information packet available to the public.

The Mayor responded that the Council's final decision on the amount of increase was not reached until tonight's earlier Closed Session.

Resolution 97-08

RESOLVED, that based on his performance review for FY 07-08, the Piedmont City Council hereby amends Section 4 of its contract with City Administrator Geoffrey L. Grote, setting his annual salary at \$188,787, effective July 1, 2008, reflecting a 3% salary increase.

Moved by Fujioka, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0910)

ANNOUNCEMENTS

Accessibility Meeting – The Mayor announced that the City will hold a public workshop on December 2 at 7:30 p.m. in the Council Chambers to solicit suggestions from individuals with disabilities, organizations representing individuals with disabilities and the general public concerning access to City sidewalks.

Holiday Tree Lighting – The Mayor invited residents to attend the City's annual *Holiday Tree Lighting Celebration* on December 3 at 7:00 p.m. in Piedmont Park. He thanked the Piedmont Beautification Foundation for its continued sponsorship of this annual celebration.

Holiday Safety Tips – The Police Chief advised residents that the police department has prepared tips on how to have a safe holiday season and these tips are available on KCOM and in the local press. She added that tonight is her last Council meeting before her retirement and wished everyone a happy holiday season.

ADJOURNMENT

There being no further business, Mayor Friedman adjourned the meeting at 1:00 a.m. in honor of retiring Police Chief Lisa Ravazza.