

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, March 3, 2008

A Regular Session of the Piedmont City Council was held March 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 February 28, 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 and pending litigation regarding 139 Lxford Road held pursuant to Government Code Sections 54957.6 and 54956.9(a), Vice Mayor Friedman called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Staff: City Administrator Geoff Grote, Deputy City Attorney Judith Robbins, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Clerk Ann Swift, Assistant Planner Kevin Jackson, Public Works Superintendent Dave Frankel and Recording Secretary Chris Harbert

CONSENT CALENDAR

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

Minutes

Approves as amended Council meeting minutes of February 4, 2008

Resolution 19-08

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

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

PUBLIC FORUM

Dr. John Whalen announced that the Lois Blair Rawlings Foundation is seeking nominations of people who have demonstrated exceptional ability to inspire, motivate and encourage the youth of Piedmont in their education, character development and personal growth. Nomination forms are available at City Hall, Piedmont schools, Piedmont Recreation Department and from the East Bay Community Foundation. The deadline for nomination submission is March 31, with award announcements being made mid-April.

REGULAR CALENDAR

The Council considered the following items of regular business:

Presentation Re the Light Brown Apple Moth Eradication Program

California Department of Food & Agriculture Representatives David Pegos and Robert Dowell narrated a power point presentation explaining the state's proposed plan to eradicate the Light Brown Apple Moth from nine counties stretching from Monterey to the San Francisco Bay Area. This invasive pest poses a serious threat to California agriculture and as a result is subject to Federal and State

quarantine and eradication orders. The speakers described in detail the proposed eradication program which includes ground treatment techniques for small, isolated pockets of infestation as well as aerial spraying of a pheromone male moth attractant to disrupt the breeding cycle in areas with heavy, wide-ranging infestations. The eradication program is intended to eliminate this pest before infestations become too entrenched, thereby avoiding the future use of pesticides by growers and individual homeowners in their personal efforts to kill the moths. The speakers noted that the proposed aerial spraying component of the program will be the first time such a technique has been used in densely populated urban areas. However, they emphasized that the pheromone attractant has been extensively studied and determined to pose no human/animal health risks or concerns. The speakers also explained why the proposed aerial spraying is scheduled to occur prior to the completion of an environmental report, stressing that immediate eradication of the pest has been deemed an emergency situation. The speakers also reviewed the extensive public notification and discussion process to be followed in each municipality targeted for aerial spraying prior to any spraying activity. They acknowledged the significant press attention this program has generated in the greater Bay Area and stated that while certain areas of Berkeley and Oakland have been designated to be sprayed in early August, they were unaware of any infestation discoveries in Piedmont that would necessitate that such spraying would occur in Piedmont. However, they agreed to contact the City tomorrow and advise whether or not Piedmont is to be included in any aerial spraying of the pheromone attractant. The speakers provided state website addresses wherein more information on this program can be obtained. The Council requested that the City's website list these website addresses as a convenience to Piedmont residents.

Public testimony was received from:

Margaret Ovendin voiced concern over the proposed aerial spraying, stressing that no tests as to effect the inert ingredients in the spray will have on human health have been conducted and such spray has never been used in urban areas before. She urged the Council to carefully consider the potential health impacts of such an eradication program. She also submitted adopted Resolutions from several other affected cities declaring their opposition to the proposed aerial spraying.

George Childs requested the California Department of Food & Agriculture representatives to provide suggestions for how residents can protect themselves, their property and pets from possible effects of the spray. The representatives recommended that residents who are concerned over the spray, keep their windows closed during the spraying and hose off outdoor children playstructures afterward. They reiterated that the spray will not damage house paint or car finishes and voiced their confidence that no ill health effects will result.

Gerald Schnurmacher inquired regarding specifics of the moth's life cycle, spray duration and ingredients. His questions were answered by the CDFA representatives.

The Vice Mayor read e-mail comments he received from residents in response to recent press articles concerning the proposed eradication

program, including comments from Bevan Vinton who attended an Oakland scoping meeting on this issue.

The Council requested the Public Works Director to continue to keep in contact with the CDFA, affected municipalities and other organizations involved/interested in this aerial eradication program and emphasized that should Piedmont be included in the aerial spray zone, public hearings on this issue will be held prior to any spraying. The Council requested the Director to submit EIR comments to the CDFA and to e-mail the Council tomorrow regarding Dr. Dowell's confirmation that Piedmont is or is not to be included in the aerial spray zone. It was noted that the San Francisco Chronicle reported that Piedmont was one of the cities designated to receive aerial spraying.

**Proposed Havens
School Design**

Mr. Mark Becker, a Piedmont resident, submitted a proposed design for the construction of a new Havens Elementary School at the school's current site. He summarized his efforts to design a new school facility that reflects the 1920's Albert Farr architecture found throughout Piedmont, including City Hall, and his commitment from Piedmont resident Andy Ball, CEO of Webcor Builders, to construct the new school facility for \$25 Million. He displayed renderings of the proposed design in describing the major components and features of the plan, including the addition of an artificial turf playfield approximately the same size as the Linda-Beach Field, a library and an open space courtyard. In addition, the City's current Havens Schoolmates housing needs would be directly incorporated into the building's design to replace the current portable. He stressed that the new design will compliment the architectural character of the City's other two elementary schools, City Hall and the Hampton Sports Field Playschool. He requested that the City Council assist in the funding of this project by providing approximately \$1 Million to \$1.5 Million in funding to cover the construction costs of the playfield and Schoolmates facility. Mr. Becker stated that if the proposed project is approved by the Piedmont School District and Board of Education, construction would begin in June 2009 and be completed by August 2010.

Former School Board Member Jim Nybakken explained the proposed financing of this Havens School Project, stressing that the turf playfield, permanent Schoolmates building and open public courtyard benefits the entire community. He noted that the City could finance its \$1M to \$1.5 Million contribution by allocating \$400,000 in CIP funding annually over a three-year period.

June Monach, President of the Piedmont School Board, stated that Mr. Becker's proposal is currently considered a viable option by the Board and School Superintendent and is under review, with a decision expected by early April.

Public testimony was received from:

Gerald Schnumacher noted Havens' neighborhood concerns over noise and litter and requested that no field lighting be provided for the proposed turf playfield. He also voiced concern over the use and timeline of the bond funding authorized by Measure E.

The Council concurred that the proposed plan is outstanding and acknowledged the value to be derived from joint City/School cooperation and funding to enhance community assets. The Council agreed that the creation of an additional playfield would greatly benefit City recreational programs, local sports groups and the general public. The Council requested that the City's Civic Center Master Plan Subcommittee review and discuss with Mr. Becker the proposed Havens project in terms of how it will integrate/relate to the proposed Civic Center Master Plan design concept. In addition, the Council requested that the City/School Liaison Committee discuss use agreement arrangements related to City and general public use of the proposed Havens playfield as well as possible joint applications for grant funding. The Council thanked Mr. Becker for his efforts, agreeing that the proposed design for a new Havens Elementary School was beautiful.

Proposed Recycling Outreach Programs

The Assistant Planner stated that in connection with the Council's January 8, 2008, approval of a new 10-year agreement with Richmond Sanitary Service for trash, recycling and green waste collection services, a public education program is needed to advise and encourage residents to take advantage of the expanded recycling services available under the new contract. To this end, staff is recommending that the following material be developed to achieve an effective and successful outreach program:

- Instruction labels for the various collection receptacles;
- A general recycling and services brochure describing the types of materials eligible for recycling;
- A food scrap recycling brochure;
- A promotional canvas tote to reduce the use of plastic bags;
- A clip magnet to promote recycling participation and retention of recycling brochures;
- Advertising and press releases in local newspapers;
- Posting of recycling information on the City's website;
- Follow-up flyers and bill insert reminders;
- A C&D recycling packet for homeowners and contractors;
- A recycling brochure directed toward City businesses.

Staff recommends that the City retain *Big Think Studios* to provide the professional services necessary for the design and production of the above-mentioned educational/outreach materials to supplement the outreach programs required under the new contract from Richmond Sanitary Service. The Assistant Planner emphasized the importance of encouraging residents to maximize recycling efforts in order to meet the City's landfill diversion requirement. He stated that the proposed outreach program would be entirely funded from grant monies received from StopWaste.Org, and the California Department of Conservation.

Public testimony was received from:

George Childs inquired re the revenue sources utilized by StopWaste.Org and the California Department of Conservation to provide grant funding. His questions were answered by the Assistant Planner.

The Council supported the proposed program, suggesting that staff utilize its discretion in determining the most appropriate type of promotional items for Piedmont residents, include requests to “promptly remove collection containers from curbside” in educational brochures and/or bill inserts and to spend grant funding prudently.

Resolution 20-08

RESOLVED, that the City Council approves the use of grant funds provided to the City by the Alameda County Waste Management Authority (StopWaste.Org) and the California Department of Conservation toward an Recycling Outreach Materials Program; and

RESOLVED FURTHER, approves the Grand Fund Agreement between the City and the Alameda County Waste Management Authority, which provides the City with a \$30,500 grant to be used toward the implementation of the City’s new Residential Food Scrap Recycling Program; and

RESOLVED FURTHER, approves the employment of Big Think Studios for professional services necessary for the design and production of educational outreach materials and promotional items as part of a Recycling Outreach Materials Program; and

RESOLVED FURTHER, authorizes the City Administrator, or his designee, to execute all documents pertaining to the Recycling Outreach Materials Program to allow for the expenditure of grant funds toward this program.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0525/X0700)

**Public Hearing Re
Adoption of Negative
Declaration for Phase
IV of the City’s Sewer
Rehabilitation Project**

The Director of Public Works requested the Council to adopt the Final Negative Declaration prepared in connection with the City’s Phase IV Sewer Rehabilitation Project. He stated that this is the City’s fourth loan application for sewer rehabilitation. The proposed loan is for \$3.5 Million to rehabilitate four sub-basins determined in need of replacement. The proposed loan is for a term of 25 years at a 2.4% interest rate. But because of recent changes in the grant application process, the State Water Resources Board now requires that an environmental report be prepared in connection with proposed sewer rehabilitation. An environmental report and Negative Declaration was prepared for the City by Scheidegger & Associates. The Vice Mayor opened the public hearing on this issue.

Public testimony was received from:

George Childs voiced his support for continuing with sewer rehabilitation.

Paul Scheidegger responded to Council questions concerning the environmental review process.

There were no other speakers and the Vice Mayor closed the public hearing.

Resolution 21-08

WHEREAS, the City of Piedmont (City) has prepared and distributed for comment the Draft Negative Declaration of potential environmental impacts of the City's Sewer Rehabilitation Project; and

WHEREAS, the City provided a public comment period from January 18, 2008 to February 18, 2008; and

WHEREAS, the City conducted a public hearing on March 3, 2008, during a regularly scheduled meeting of the City Council; and

WHEREAS, the City received written comments from two agencies during the review period established by the City and the State Clearinghouse of the Governor's Office of Planning and Research; and

WHEREAS, the City will not need to modify the project plans and specifications to address the written comments from the agencies; and

WHEREAS, the City provided a Notice of Intent to adopt the Negative Declaration in accordance with Title 14, California Code of Regulations, Section 15072, and no substantive comments were received during the public hearing regarding the Negative Declaration; and

WHEREAS, it has been determined that the project would not have a significant effect on the environment in that the project does not have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or a wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of a rare or endangered plant or animal; nor eliminate important examples of major periods of California history or pre-history; and

WHEREAS, the project does not have possible environmental effects which are individually limited but accumulatively considerable; and

WHEREAS, the environmental effects of this project will not cause substantially adverse effects on human beings; either directly or indirectly; and

WHEREAS, the potentially significant environmental impacts identified in the Negative Declaration have been reduced to a less-than-significant level through the incorporation of approved control measures to be incorporated into the project design and construction specifications; and

WHEREAS, the City's Sewer Rehabilitation Project is defined in the Final Negative Declaration; and

WHEREAS, it is necessary for the City Council to officially approve the Sewer Rehabilitation Project in order to file a Notice of Determination that there will be no adverse effects on the environment by virtue of this project in accordance with definitions of the California Environmental Quality Act; now, therefore be it

RESOLVED, that the City Council of the City of Piedmont hereby adopts the Final Negative Declaration for the Sewer Rehabilitation Project and approves the Sewer Rehabilitation Project as defined in the Final Negative Declaration for the purpose of filing the Notice of Determination, effective March 3, 2008.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0459)

ANNOUNCEMENTS

Municipal Election—The Vice Mayor encouraged registered voters to vote in tomorrow’s municipal election and advised that election results will be posted on the City’s website and broadcast on KCOM.

Commission/Committee Vacancies – The Vice Mayor announced that March 24 is the deadline for submitting applications for appointment to various vacancies on City commissions and committees. A list of vacant positions and application forms are available on the City’s website.

Capital Improvement Projects – The Vice Mayor announced that the CIP Committee is currently soliciting suggestions for capital improvement projects for FY 08-09 funding consideration.

ADJOURNMENT

There being no further business, Vice Mayor Friedman adjourned the meeting at 10:45 p.m.