

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, March 2, 2009

A Regular Session of the Piedmont City Council was held March 2, 2009, 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 25, 2009.

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 and Garrett Keating

Absent: Councilmember Margaret Fujioka

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Acting Police Chief John Hunt, 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 February 17, 2009

Agreement

Approves a 3-year contract with Integrated Waste Control for the pick-up and disposal of bio-hazardous waste generated by the Fire Department Paramedic Service at the rate of \$49.45 per container

Resolution 16-09

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

Moved by Keating, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: Fujioka

(0045)

(Note: Councilmember Keating abstained from the vote approving the February 17, 2009, Council minutes)

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following items of regular business:

Use Agreement

The City Administrator recommended Council approval of a proposed 50-year agreement with the Piedmont Unified School District for a Schoolmates facility in the new Frank C. Havens School, including a monetary contribution to the District in the amount of \$710,010 for the cost of design, engineering and construction of this facility. The Administrator also recommended 1st reading approval of Ordinance 685 N.S. approving a Quit Claim Deed transferring ownership of City property at the Havens School site to the PUSD. The Administrator explained that originally when the City pledged \$1.2 Million to the PUSD for the construction of a new Schoolmates facility and playfield

at the new Havens School, it was estimated that the Schoolmates portion of the cost would be discounted to \$300,000 and the construction of an artificial turf field would be \$900,000. However, it was later determined that no Measure E funding could be expended on behalf of the Schoolmates facility, hence all costs for Schoolmates must be borne by the City. This arrangement now leaves \$490,000 to be applied toward playfield construction. The Administrator also explained that currently the land upon which the current City Schoolmates building is situated on is City property – this land was previously quit claim deeded to the City from the PUSD at the time the existing Schoolmates building was constructed. Now, in order to allow the School District to proceed with its Havens reconstruction, this land must be deeded back to the PUSD.

The City Administrator recommended that the issue of the Schoolmates agreement/funding be considered separately from the issue of playfield use agreement/funding (the next item scheduled on tonight's agenda). The Council agreed to act on each issue separately but noted that it would discuss the two issues together, with the Mayor's preference that the playfield issue be discussed first.

Havens Playfield

The City Administrator reported that at the School Board's February 11 meeting, a proposal was submitted by the City for a 50-year use agreement for the new Havens Playfield. The agreement stipulated that the School District would manage field operation/scheduling during school hours and the City would manage field operation/scheduling during non-school periods (after school, weekends, vacation periods). This arrangement was consistent with Council direction of March 3, 2008, to insure that the general community would benefit by having a guaranteed amount of access to the field in exchange for the City's monetary contribution toward field construction. However, at the School Board meeting and following weeks, neighborhood concerns have been raised regarding the extent of the community use of the field as set forth in the proposed use agreement.

Correspondence was received from: Jenny & Mike Lynn; Bob & Kathleen Dinetz; Michael Gardner; Maureen Allyn, Rick Schiller, Ryan & Nicole Gilbert; Kyla Harriel; Len Gilbert; Alice Creason; Carol Anderson; Bonita/Highland/Vista/Oakland/Hillside residents

Public testimony was received from:

Angela Teixeira, Stephen Guiney, Don McBirney, Drew Bendon, Maureen Allyn and Carol Anderson all voiced surprise and concern over the extent of the proposed non-school use of the new field, stressing that the surrounding neighborhood was never advised that such use was contemplated at the time the Havens proposal was developed. They cited the current severe parking/traffic congestion of the Civic Center neighborhood and voiced concern that weekend and evening use of the new playfield by organized sports would compound this congestion as well as add additional noise disturbances that would greatly impact the neighborhood's quality of life. Many speakers noted their preference that no organized sports use of the playfield be allowed and that the field be considered more as an open, green space wherein families and children could come to enjoy and play informally.

However, if organized sports are permitted, the speakers requested that Saturday morning use not begin before 9:30/10:00 a.m., no Sunday use be permitted and that sports use cease at 6:00 p.m. In addition, they requested that the neighborhood's residential parking zone be modified to apply on weekends, a plan implemented to address litter which will be generated by sports games/practices and that no adults be allowed to use the field unless accompanied by a minor. They urged that the field's specific use hours and restrictions be developed by the Recreation Commission, with neighborhood input. In particular, support was voiced for the recommendations contained in the Neighborhood Meeting Letter, dated March 1, 2009, submitted by Carol Anderson and Drew Bendon.

Gil Goetz, Piedmont Soccer Club representative, emphasize the tremendous demand for field space for the Club's Under 6 and Under 8 soccer programs.

Margaret Overdon voiced support for a new playfield at Havens but urged the Council to consider a natural grass as opposed to artificial field surface. She cited the growing concern over toxicity and public health issues associated with artificial surface materials and the trend of many municipalities across the country in removing artificial surfaces and replacing the turf with natural grass. She noted that new grass varieties are more durable and drought tolerant than in the past and that a grass field at Havens would be more appropriate given the young age of the children who would be playing on the field. In addition, a grass field would help mitigate the surrounding neighborhood's objection to a high intensity use of the field.

The Council engaged in a lengthy discussion of playfield related issues, with the Mayor's stressing his concern that the primary intent of the City's \$1.2 Million pledge to the School District was that the majority of the money would be for a new playfield at Havens that would then be available for City and community use. He was reluctant to approve a \$710,010 agreement for Schoolmates without definite assurance of a reasonable and fair amount of City/community access to the playfield.

Constance Hubbard, PUSD School Superintendent, responded to Council questions and concerns by emphasizing that playfield construction is included in the approved Havens School plans and that the specific allocation/breakdown of the City's \$1.2 Million contribution does not change the fact that a new City Schoolmates building and playfield will be constructed. She also emphasized that under state law, the School District is required to make all school property available for community use. During discussion, the issue of CEQA was raised with regard to the playfield management. Ms. Hubbard stated that school management/use of the playfield is categorically exempt from CEQA but that the District's legal counsel has indicated verbally that the proposed City management of community use of the field may require a CEQA examination/study. Ms. Hubbard voiced concern that if a CEQA study is required, it has the potential of disrupting the proposed construction schedule of the new Havens School, since school construction could not commence until the CEQA process has been completed. As an alternative, she stated that the District could retain the Recreation Director to oversee the operation/scheduling of the new playfield in the same manner that

the District currently uses the Recreation Department to schedule community use of school gyms and baseball fields. The School District and City have a long and successful history of shared use and management of various sports facilities, both City and District owned. Ms. Hubbard emphasized the School District's tight construction timeline for proceeding with the Havens School Project in urging that action on the quit claim deed not be delayed until specific details of playfield use are finalized.

June Monach, President of the Piedmont School Board, concurred with the tight timeline for school construction in suggesting that a field management agreement could be prepared that sets forth a process for developing use parameters and restrictions for the new playfield, without requiring that the specific use restrictions be identified and approved right now.

With regard to the proposed playfield use agreement, the Council requested staff to consider the suggestions contained in the Neighborhood's Letter of March 1 as well as other neighborhood correspondence, clarify that the preparation of playfield use restrictions will be assigned to the Recreation Commission and retain flexibility within the 50-year agreement as to the exact type of field surface – do not limit the field to only an artificial surface. The City Administrator agreed to do so, adding that it is unlikely that such a document could be drafted within the next two weeks.

The Mayor reiterated his concerns over proceeding with a \$710,010 contribution toward Schoolmates without a firm guarantee regarding the amount of community use that will be permitted on the playfield, repeating his position that a majority of the \$1.2 Million City pledge was to be used for the playfield in exchange for an equitable amount of public use of this field. The City Administrator responded that the remaining portion of the City's contribution is still significant enough to guarantee field access/use by the community. Vice Mayor agreed, voicing his confidence in the School District to honor its commitment to offer a reasonable amount of public use of the new playfield based upon the intent of the City's \$1.2 Million contribution. He stressed the importance of not delaying the proposed timetable for the construction of the new school.

The Council then closed its discussion regarding the playfield and reopened consideration of the proposed Schoolmates agreement and quit claim deed request.

Schoolmates Agreement

The Council voiced support of the quit claim deed request and acknowledged that delaying approval of the proposed Schoolmates agreement until the next meeting would not materially affect the situation or outcome.

Resolution 17-09

RESOLVED, that the City Council approves a 50-year agreement with the Piedmont Unified School District for a Schoolmates Facility in the new Frank C. Havens School, including a monetary contribution to the District in the amount of \$710,010; and

RESOLVED FURTHER, approves the first reading of Ordinance 685 N.S. approving a Quit Claim Deed transferring ownership of City property at the Havens School site to the Piedmont Unified School District.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: Fujioka

(0045)

**Public Hearing:
General Plan Update**

Barry Miller, the City's General Plan Update Consultant, provided a written overview of the City's updated General Plan, noting that tonight is the first of two public hearings on the completed update prior to its scheduled adoption by the City Council on April 6. The City Administrator noted a factual error on page 5-14 regarding the removal of City trees, with Mr. Miller stating that the sentence "Removal requires approval by the Park Commission" will be deleted to more accurately reflect the City's current standard operating procedure. Councilmember Keating stated that he had several edits and suggestions and the Mayor requested that he submit his editing suggestions directly to Mr. Miller for consideration. The Mayor also requested that the written overview of tonight's meeting be provided to Councilmember Fujioka, with the understanding that if she has any Plan changes, these suggestions also be referred to Mr. Miller. The Mayor directed that if any of the suggested changes are substantive in nature, these changes be scheduled for Council review at the next meeting; otherwise, the Council will next consider the Plan update on April 6.

ANNOUNCEMENTS

Commission/Committee Vacancies – the Mayor encouraged interested residents to apply for appointment to upcoming vacancies on various City commissions and committees. A list of available positions is posted on the City's website. Deadline for application submittal is March 20. The Council will hold a special meeting on March 30 to interview prospective candidates.

Capital Improvement Projects – the Mayor announced that although there is a current moratorium on funding for capital improvement projects, the CIP Committee is still soliciting project ideas for consideration when the City's economic situation improves. The deadline for project submittals is March 20.

ADJOURNMENT

There being no further regular business, the Mayor adjourned the Council at 10:25 p.m. to Closed Session for the purpose of discussing negotiations with SEIU Local 1021 and the Professional/Technical employees held pursuant to Government Code Section 54957.6.