

## PIEDMONT CITY COUNCIL

### Regular Meeting Minutes for Monday, March 16, 2009

A Regular Session of the Piedmont City Council was held March 16, 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 March 12, 2009.

#### **CALL TO ORDER**

Following a 7:00 p.m. Closed Session regarding negotiations with SEIU Local 1021 and the Professional/Technical employees held pursuant to Government Code Section 54957.6, Vice Mayor Barbieri called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

#### **ROLL CALL**

Present: Vice Mayor Dean Barbieri and Councilmembers John Chiang, Margaret Fujioka and Garrett Keating

Absent: Mayor Abe Friedman

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Fire Chief John Speakman, Acting Police Chief John Hunt, Finance Director Mark Bichsel, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technician Gabe Baracker, Building Official Chester Nakahara and Recording Secretary Chris Harbert

#### **CONSENT CALENDAR**

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

##### **Minutes**

Approves as amended Council meeting minutes of March 2, 2009

##### **Ordinance**

Approves the 2<sup>nd</sup> reading of Ordinance 685 N.S. approving a quit claim deed of City property at Havens School to the Piedmont Unified School District

##### **Gift**

Accepts a \$10,000 donation from the Lakeside Foundation and appropriates said amount to the Piedmont Fire Department Paramedic Program for the purchase of a Stryker Power-Pro powered ambulance gurney

##### **Resolution 18-09**

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

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

(0705; 0520)

#### **PUBLIC FORUM**

George Kersh referenced the Council's on-going Closed Session negotiations with union employees in urging fiscal restraint in dealing with labor union demands. He also reiterated his previous requests that the City rescind its approval of the "3% at age" PERS retirement benefits and that the Council not recruit for a new Police Chief and instead fill the position from in-house as a cost saving measure.

Ralph Catalano, speaking on behalf of the *Friends of Moraga Canyon*, requested an update report on the status of the EIR study of the Blair Park development proposal, stressing that a Notice of Preparation should have been issued by now with regard to this project. The City Administrator responded that the timetable for EIR completion was extended due to its combination with the Coaches Playfield Turf & Lighting Project as well as the School District's consideration of using Blair Park as a possible site for the placement of interim classrooms. He advised that a complete project description has not yet been finalized nor has a Notice of Preparation been created. He added his intention to schedule meetings with neighborhood residents to discuss this project.

## **REGULAR CALENDAR**

The Council considered the following items of regular business:

### **Budget Update**

Per Council direction of February 2, the Finance Director submitted a monthly update on the financial condition of the City. In particular, he noted that anticipated revenue for the remainder of FY 08-09 continues to decline, indicating an expected shortfall of \$1,096,000. However, this shortfall is will be partially off-set by reductions in department expenditures of approximately \$500,000 and increases in operating transfers of approximately \$300,000.

**Public testimony** was received from:

George Childs voiced concern over proceeding with the Piedmont Hills Underground Assessment District in light of the City's difficult economic situation, noting that if the utility undergrounding district is approved, the City will be assessed \$142,551.50 for Hampton Field's inclusion in the District.

Ryan Gilbert urged the Council to consider additional cost-cutting measures in case the City's economic situation continues to worsen beyond FY 08-09. In particular, he suggested that consideration be given to planning for the potential of employee furloughs and/or deferring capital improvement projects.

The Council discussed the revenue forecast report with the Finance Director, with Councilmember Chiang requesting that the Director track monthly revenue receipts using a spreadsheet he has prepared to indicate trends either upward or downward. Councilmember Fujioka requested the City Administrator to provide the Council with information concerning upcoming maintenance contract renegotiations and to propose creative ways for increasing City revenue generation.

### **Police Chief Recruitment**

As a cost-saving measure, the City Administrator recommended that the Council temporarily suspend the on-going recruitment for a new police chief and that Police Captain John Hunt continuing to serve as Interim Police Chief until a new appointment is made. He proposed that the recruitment be suspended until January, with the anticipated appointment to the position of Police Chief effective July 2010. Such a suspension would save the City \$100,000 for FY 08-09 and approximately \$200,000 in FY 09-10. The Administrator felt that although this suspension would result in leaving the department's second captain position vacant, this approach would not reduce current patrol service levels or affect public safety and thus is the least painful

way to cut costs. He suggested that a status report on the impact of this suspension on police services be made in July after the FY 09-10 budget is adopted. At that time, the Council could decide whether to continue the suspension or proceed with police chief recruitment.

**Public testimony** was received from:

Ryan Gilbert noted the importance of a high level of police services to residents and inquired as to the possible impacts on service levels and operations with the second captain position being left vacant.

The Council supported the Administrator's recommendations, agreeing that this is a temporary measure in light of the City's current financial situation and noting that the department has operated effectively in the past with only one police captain. The Council requested staff to develop an emergency back-up plan in case of an unexpected absence of either Acting Chief Hunt or Captain Wyatt.

**Resolution 19-09**

RESOLVED, that the City Council authorizes the suspension of recruitment for the position of Police Chief until January 2010 as a cost savings measure and directs the City Administrator to submit in July a report on the effects of this suspension on police department operations.

Moved by Chiang, Seconded by Keating

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

(0750/X0785)

**Alta Piedmont  
Utility Undergrounding**

The City Clerk recommended that in accordance with the Council's action of September 2, 2008, the Council terminate the proceedings for the Alta Piedmont Underground Assessment District and authorize the return of private money deposited with the City in an escrow account for this district.

Vice Mayor Barbieri disclosed that he lives within the boundaries of the Alta Piedmont Assessment District and for conflict of interest reasons he recused himself from any discussion or action on this matter. Before leaving the chambers, the Vice Mayor passed the gavel to Councilmember Chiang.

The City Clerk stated that on September 2, 2008, the Steering Committee of the Alta Piedmont Utility Underground District requested that proceedings be terminated and monetary deposits in the amount of \$202,769.50 be returned. At that time, Mayor Friedman requested that this matter be continued so additional efforts could be made to reduce costs in the hope that district formation could proceed. However, despite such efforts, the Steering Committee has determined that sufficient monies to proceed with district formation cannot be raised. In January, undergrounding proponents circulated a new petition and boundary map for the Scenic Avenue Underground Assessment District (37 of the original 202 properties) and 25 of the original contributors have agreed to transfer their deposits to a new escrow account for the Scenic Avenue Underground District rather than have these monies refunded. However, since January, one of the 25 contributors has changed his mind and is now asking that his deposit be

refunded. A list of all contributors and the amount to be either refunded or transferred was provided.

**Correspondence** was received from: Mary Prisco, Al Grimm, Rick Raushenbush, Tom Thomas & Nina Cooper; Jeff Blaney; Peter Slabaugh; Robert & Lila Saks Family Trust

**Public testimony** was received from:

Stephen Leist urged the Council to approve the termination of the district, noting that after a 3-year effort and given the current economic downturn, such a project no longer seems a viable or appropriate investment.

**Resolution 20-09**

WHEREAS, on October 18, 2004, the City Council of the City of Piedmont accepted petitions from 157 homeowners of more than sixty percent (60%) in area of the land proposed to be assessed for the proposed Alta Piedmont Underground Utility District, including the owners of more than five of the subject parcels, and that the petition contained the matters required by Sections 2804 and 2804.5 of the Streets and Highways Code; and

WHEREAS, the property owners in the proposed Alta Piedmont Underground Utility District deposited funds with the City of Piedmont in the amount of \$212,577 which amount is insufficient to pay for preliminary engineering costs for this district; and

WHEREAS, the Steering Committee of the Alta Piedmont Underground Utility District has determined that it will not be possible to raise further funds to pay for engineering costs and is requesting that the monies collected be returned to each of the property owners; and

WHEREAS, some of the contributors to the Alta Piedmont Underground Assessment District have indicated their desire to transfer their escrow funds to a totally new underground assessment account for the Scenic Avenue Underground Assessment District by signing a Request for Transfer of Funds, a list of whom is attached hereto an incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, that the proceedings for the Alta Piedmont Underground Utility District are hereby terminated; and

BE IT FURTHER RESOLVED, that the total monies deposited on behalf of the Alta Piedmont Underground Utility district is \$212, 577 and from that amount \$9,807.50 has been paid in engineering costs, leaving a balance of \$202,769.50 which is ordered to be returned to the depositors except in the case where the City of Piedmont has received a Request for Transfer of Funds; and

BE IT FURTHER RESOLVED, that a notice of this action shall be sent to all affected homeowners.

BE IT FURTHER RESOLVED, that the City Clerk is authorized to meet with interested parties to explore the formation of a new smaller undergrounding district.

Moved by Fujioka, Seconded by Keating

Ayes: Chiang, Fujioka, Keating

Noes: None

Recused: Barbieri

Absent: Friedman

(1075)

**Hampton-Sea View  
Utility Underground  
Assessment District**

Pursuant to Council action of August 20, 2007 and October 20, 2008, the City Clerk recommended Council adoption of a resolution preliminarily approving the Engineer's Report, setting the date, time and place of Public Hearing of Protest for the Hampton-Sea View Avenues Underground Assessment District.

Prior to acting on the recommendation, the Council acknowledged that at the October 20, 2008, meeting it was determined 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 previously chose by random that Mayor Friedman would be the third voting member for the duration of the Council's consideration of the Hampton-Sea View Assessment District. However, since Mayor Friedman is absent tonight, an alternate voting member must be chosen between Councilmembers Chiang and Fujioka. Councilmember Fujioka repeated her October 20 comments that since she lives within the boundaries of the proposed district and would be subject to a financial assessment if the district is ultimately established, she would prefer to independently recuse herself from participating in Council consideration of this matter. Councilmember Chiang honored Councilmember Fujioka's request and agreed to be the "third voting member" for tonight's consideration. Councilmember Fujioka recused herself and left the chambers.

As another preliminarily matter, it was noted that in October 2008, Sam Sperry of Orrick Herrington was retained to serve as the City's bond counsel in this matter. Since that time, Mr. Sperry changed firms and is currently employed by Meyers Nave. The City Clerk recommended that the Council authorize a new agreement for legal services with Meyers Nave to enable Mr. Sperry to continue his work with this district. Orrick Herrington has submitted a bill in the amount of \$9,452.59 for services rendered by Mr. Sperry during his tenure with the firm. All further billings for Mr. Sperry's work will be paid to Meyers Nave.

There was no **public testimony** with regard to the proposed change in bond counsel service agreement.

**Resolution 21-09**

RESOLVED, that the City Council authorizes an agreement with Meyers Nave for bond counsel services at a maximum cost of \$50,000 (less amounts paid previously to Orrick Herrington).

Moved by Chiang, Seconded by Keating

Ayes: Barbieri, Chiang, Keating

Noes: None

Recused: Fujioka

Absent: Friedman

(1075)

The City Clerk and Mr. Sperry briefly outlined the assessment process and stated that a neighborhood meeting has been scheduled for this Thursday evening to discuss the specifics of the proposal. The Clerk added that because district proponents chose to receive firm bids prior to balloting, the timetable for City action is expedited because the bid prices are valid for only 110 days. She noted that the bids opened on March 2 were very favorable; the low bidder was approximately 50% less than estimated construction costs. If the Engineer's Report is approved tonight, assessment ballots will be mailed to all district residents on March 20 and on May 4<sup>th</sup> a Public Hearing of Protests will be held and the ballots counted. If based upon the results of the ballot count, the Council authorizes district formation, the contract will be awarded on June 15 with construction commencing in July. The Clerk added that if both the Hampton-Sea View and Piedmont Hills undergrounding districts are established, a small pocket of overhead wires will remain on Hampton Road between these two undergrounding districts. The seven property owners in this pocket have the option of undergrounding their utilities directly with PG&E. Adding these properties to either the Piedmont Hills or Hampton-Sea View districts at this time would require rebidding the projects, resulting in delays and increased costs. These seven property owners have been advised of this situation and noticed of tonight's meeting.

**Public testimony** was received from:

Kathleen Quenneville voiced concern and surprise over the tight time schedule for consideration and action, noting that the Engineer's Report was only received by the neighborhood last Friday. She urged that the upcoming neighborhood meeting provide full details and disclosures of total costs, including individual hook-ups and options in case of contractor cost overruns or bankruptcies, etc. She urged that the Council require a super majority affirmative ballot count to authorize district formation given the current economic climate. She also voiced concern over the assessment formula, noting in particular that some properties appear to be undercharged based upon the ownership of multiple parcels or parcels that have both front and rear street frontages. She also inquired if the Engineer of Work is related to anyone living within the district.

Irving Schwartz, Engineer of Work, responded to Ms. Quenneville's questions concerning the assessment formula, noting that only the frontages to which a house faces are factored into the assessment, and while a few property owners have multiple parcels, their assessment is based upon having only one house within the district. He added that he is not related to anyone in the district.

Joe and Beth Hurwich opposed district formation, citing the financial hardship additional property assessments can impose on residents given the current economic recession. They agreed with Ms. Quenneville that all costs associated with undergrounding, including individual hook-ups and financing interest costs, should be disclosed and that a super majority of resident support should be required as a prerequisite for district approval. They felt that utility undergrounding was an unnecessary luxury at this time and that additional property assessments on residents could adversely impact approval of upcoming City and school parcel tax renewal measures.

Stephen Block, a Steering Committee member, urged the Council to grant residents within the proposed district the right to vote and decide whether to proceed with utility undergrounding.

**Resolution 22-09**

WHEREAS, at the direction of this City Council by resolution adopted on August 20, 2007, ILS Associates, Inc., as Assessment Engineer for improvement proceedings in the Hampton – Sea View Avenues Underground Assessment District, City of Piedmont, County of Alameda, State of California (the “Assessment District”), has filed with the City Clerk the report described in Section 10204 of the Streets and Highways Code (Municipal Improvement Act of 1913, hereafter in this resolution referred to as “the Act”), and containing the matters required by Article XIIIID of the California Constitution (“Article XIIIID”), and it is appropriate for this Council to preliminarily approve said report and to schedule the public hearing of protests respecting said report.

NOW, THEREFORE, THE CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES as follows:

1. This Council preliminarily approves the report without modification, for the purpose of conducting a public hearing of protests as provided in the Act, Article XIIIID, and Section 53753 of the California Government Code. Said report shall stand as the report for the purpose of all subsequent proceedings under the Act and Section 53753, except that it may be confirmed, modified, or corrected as provided in the Act.

2. This Council hereby sets 7:30 o’clock P.M. or as soon thereafter as the matter may be heard, on May 4, 2009, in the Council Chambers at 120 Vista Avenue, Piedmont, California, as the date, time and place for a public hearing of protests to the proposed public improvements, the proposed levy of assessments, the amounts of individual assessments, and related matters as set forth in said report, and any interested person may appear and object to said public improvements, or to the extent of said assessment district or to said proposed assessment.

3. The City Clerk is hereby directed to cause a notice of said public hearing to be given by mailing notices thereof, together with assessment ballots, in the time, form and manner provided by Section 53753, and upon the completion of the mailing of said notices and assessment ballots, the City Clerk is hereby directed to file with the Council an affidavit setting forth the time and manner of the

compliance with the requirements of law for mailing said notices and assessment ballots.

4. The City Clerk, telephone (510) 420-3040, is hereby designated to answer inquiries regarding the report and related assessment district proceedings.

Moved by Chiang, Seconded by Keating

Ayes: Barbieri, Chiang, Keating

Noes: None

Recused: Fujioka

Absent: Friedman

(1075)

**Piedmont Hills  
Utility Underground  
Assessment District**

The City Clerk recommended Council approval of the Engineer's Report for the Piedmont Hills Underground Assessment District and approving the second amended boundary map to include one parcel which was inadvertently omitted from the original map. Like the Hampton-Sea View district, the Piedmont Hills District opened contractor bids on March 2 and has the same timeline for action. Also, like the Hampton-Sea View District, a new bond counsel agreement is required with Mr. Sam Sperry. In addition, the City Clerk stated that the City's Hampton Park/Sports Field is located within the proposed district and under the Engineer's assessment formula, if the district is established, the City will be assessed \$142,551.50 for this property. The Clerk recommended that the Council determine how it wishes to vote its 142,551.5 ballots prior to the May 4<sup>th</sup> Public Hearing of Protest and ballot count. This determination can be made at any future Council meeting between now and May 4<sup>th</sup>.

**Correspondence** was received from: John Nady, Frank Helm; Shelby Raggio; Barbara Bee

**Public testimony** with regard to the proposed change in bond counsel service agreement was received from:

George Childs inquired as to the lump sum amount of the proposed agreement and was advised that the contract was contingent upon district establishment. If the district is not authorized, nothing is owed to the bond counsel.

**Resolution 23-09**

RESOLVED, that the City Council authorizes an agreement with Meyers Nave for bond counsel services at a contingent cost of \$50,000.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

(1075)

**Public testimony** was received from:

Carl Anderson, Steering Committee member, urged Council approval of the proposed resolution, noting that this 7-year process has been undertaken for safety reasons. He noted that because of the location and ingress/egress nature of streets leading to the properties within the proposed district, if a major disaster strikes and existing overhead



power lines are downed, residents will be trapped within their homes unable to escape and emergency rescue personnel will be unable to respond. He noted that the low bid is approximately 50% less than the 2007 estimated construction cost and he was optimistic that residents within the district will support the undergrounding project on May 4<sup>th</sup>.

George Childs voiced outrage over the proposed \$142,551 assessment for Hampton Park when the majority of properties in the district were being assessed in the \$30,000 to \$40,000 range. He stressed that Piedmont taxpayers will receive a miniscule benefit from the undergrounding project and therefore, the issue of City assessment approval should be put to a vote by the electorate.

Joan Cox, Engineer of Work, explained how the Hampton Park assessment amount was calculated, noting that a more detailed explanation is contained on pages 13-14 of her report. Councilmember Keating requested a further background report from Ms. Cox regarding the Hampton Park assessment calculation.

Guy Saperstein concurred with the comments of Judge Anderson.

Velda Egan noted that one of the City's emergency preparedness supply containers is located in Hampton Park.

**Resolution 24-09**

WHEREAS, at the direction of this City Council (this "Council") by its Resolution of Intention, Resolution No. 42-05, adopted on May 2, 2005 (the "Resolution of Intention"), Harris & Associates, as Assessment Engineer (the "Assessment Engineer") for improvement proceedings in the Piedmont Hills Underground Assessment District, City of Piedmont, County of Alameda, State of California (the "Assessment District"), has filed with the City Clerk the report (the "Engineer's Report") described in Section 10204 of the Streets and Highways Code (a provision of the Municipal Improvement Act of 1913, Sections 10000 and following, of the Streets and Highways Code, hereafter in this resolution referred to as the "Code"), and containing the matters required by Article XIID of the California Constitution ("Article XIID"), and it is appropriate for this Council to preliminarily approve the Engineer's Report and to schedule the public hearing of protests respecting said report; and

WHEREAS, by its Resolution No. 39-05, also adopted on May 2, 2005, this Council approved an amended boundary map for the Assessment District (the "Amended Boundary Map") to reflect the deletion of certain parcels deemed not benefitted due to a revision of the scope of the proposed utility undergrounding project (the "Project"); and

WHEREAS, based upon further examination of the Project and the parcels included within the boundary of the Assessment District, as shown on the Amended Boundary Map, the Assessment Engineer has concluded that an additional parcel, identified in the Engineer's Report as Assessment No. 22, is benefitted and should be included within the Assessment District; and

WHEREAS, in keeping with the recommendation to include Assessment No. 22 within the Assessment District, the Assessment Engineer has prepared and filed with the City Clerk a proposed

“Second Amended Boundary Map” for the Assessment District, which shows Assessment No. 22 as being a part of the Assessment District, and this Council wishes to approve and to authorize and direct the City Clerk to provide for the recordation of the Second Amended Boundary Map in the official records of the Alameda County Recorder; and

WHEREAS, as a supplement to the previous acceptance and approval of the property owner petitions (the “Petitions”) submitted to the City Clerk respecting the Assessment District, as authorized by Section 2804 of the Code, the Assessment Engineer has included in the Engineer’s Report the information specified by Part 7.5 (“Part 7.5”) of Division 4 of the Code (“Division 4”), and this Council wishes to amend the Resolution of Intention to provide, as specified by Section 2961 of the Code, that it intends to supplement its prior compliance with the requirements of Division 4, as evidenced by acceptance of the Petitions, by proceedings taken pursuant to Part 7.5;

NOW, THEREFORE, THE CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES as follows:

1. This Council preliminarily approves the Engineer’s Report without modification, for the purpose of conducting a public hearing of protests as provided in the Act, Article XIID, and Section 53753 of the California Government Code (“Section 53753”). Said report shall stand as the report for the purpose of all subsequent proceedings under the Act and Section 53753, except that it may be confirmed, modified, or corrected as provided in the Act.

2. This Council hereby sets 7:30 o’clock P.M. or as soon thereafter as the matter may be heard, on May 4, 2009, in the Council Chambers at 120 Vista Avenue, Piedmont, California, as the date, time and place for a public hearing of protests to the proposed public improvements, the proposed levy of assessments, the amounts of individual assessments, and related matters as set forth in the Engineer’s Report, and any interested person may appear and object to said public improvements, or to the extent of said assessment district or to said proposed assessment.

3. The City Clerk is hereby directed to cause a notice of said public hearing to be given by mailing notices thereof, together with assessment ballots, in the time, form and manner provided by Section 53753, and upon the completion of the mailing of said notices and assessment ballots, the City Clerk is hereby directed to file with the Council an affidavit setting forth the time and manner of the compliance with the requirements of law for mailing said notices and assessment ballots.

4. This Council hereby approves the Second Amended Boundary Map, showing the inclusion of Assessment No. 22 in the Assessment District, and the City Clerk is hereby authorized and directed to cause the recordation of the Second Amended Boundary Map in the official records of the Alameda County Recorder.

5. Resolution No. 42-05, the Resolution of Intention for the Assessment District, is hereby amended to specify that this Council intends to supplement the prior compliance with Division 4 of the Code

by further proceedings to be taken pursuant to Part 7.5 of Division 4, as anticipated by the Engineer's Report.

6. The City Clerk, telephone (510) 420-3040, is hereby designated to answer inquiries regarding the report and related assessment district proceedings.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

(1075)

The City Clerk announced that like the Hampton-Sea View district, a neighborhood meeting to discuss specifics related to the proposed Piedmont Hills district will be held this week.

**Conditional Use Permit  
340 Highland Avenue**

The City Planner recommended Council approval of a Conditional Use Permit for the Piedmont Valero Service Station at 340 Highland Avenue. The Planning Commission recommended use permit approval at its meeting of March 9. At the meeting, the Planning Commission denied the station's request for retroactive approval of the installation of television monitors atop the gas pumps. The television monitors were denied under Design Review.

**Public testimony** was received from:

Simon Ho, station owner, stated he purchased the station in January 2009 and the television monitors were already in place. He stated that advertising revenue from the TVs accounts for approximately 1% of station revenue and is used to off-set the electrical costs of lighting the station after-hours for the convenience of customers filling their gas tanks. He reiterated his willingness to discuss with the TV service providers the possibility of reducing the TV hours of operations and volume to lessen the TVs impact.

Reverend Bill McNabb of the Piedmont Community Church voiced Church staff opposition to the TV monitors above the gas pumps. He noted that the monitors were installed without neighborhood notice or City approval and the operation is causing visual and audio pollution that is both a nuisance and irritant. He agreed with the Planning Commission's determination that the monitors constitute a "sign" under the City's sign ordinance and allowing such moving, neon signs in Piedmont would set a dangerous precedent.

Bobbe Stehr, Planning Commission Chair, discussed with the Council the basis for the Commission's decision to deny monitor operation, stressing that the noise and visual movement of the advertising monitors is disturbing.

The Council engaged in a lengthy discussion with the City Attorney regarding whether the issue of TV monitor operation is subject to tonight's CUP consideration; whether this issue should be considered upon Council/staff "call-up" review of the Commission's design review decision; and whether the Commission's determination that the TV monitors fall under the definition of "signage" under the City's sign ordinance is correct. The City Attorney felt that the sign ordinance as

currently written does not specifically or clearly regulate such monitors. Councilmember Fujioka voiced support for scheduling a public hearing on whether such advertising monitors should be prohibited or regulated under the code and in the interim, allow Piedmont Valero to continue to operate the TV monitors during business hours only. The Vice Mayor agreed with the Commission's findings that monitor operation is offensive, inconsistent with standard business operations in Piedmont and subject to the City's current sign regulations. He opposed monitor approval, stressing that the monitors were installed without City approval or permit and such behavior should not be rewarded. In the end, the Council agreed to grant conditional use permit approval subject to the condition that the TV monitors be turned off pending Council policy discussion and action concerning such use. This condition was made pursuant to City Code Section 17.24.7 based upon the finding that the operation of the TV monitors may have a reasonable potential for adverse impact on the surrounding area.

**Resolution 25-09**

WHEREAS, Piedmont Valero is requesting a Conditional Use Permit to operate a gasoline and automobile service and repair facility at 340 Highland Avenue, Piedmont, California, and;

WHEREAS, the Piedmont City Council has reviewed the application, the staff report, and any and all other documentation and testimony submitted in connection with the application and has visited the subject property;

The Piedmont City Council makes the following findings:

1. The use is of benefit to Piedmont residents. The gas station has a long history of operation in Piedmont.
2. The use will be properly related to other land uses and transportation and service facilities in the vicinity.
3. Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity. This is a continuation of an existing use, with a long history of operation in Piedmont.
4. The use will not be contrary to the standards established for the zone in which it is to be located.
5. The use, as conditioned to regulate the operation of the television monitors above the gas pumps, will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area.
6. The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods. This is a continuation of an existing use that has operated at this site for many years.
7. Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of

arterials, where possible, have been made; provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council. There is provision for on-site parking that is sufficient for the business operation.

8. The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear and side yard areas are necessary to provide for the health, safety and general welfare of the residents of Piedmont in accordance with its zoning laws.

RESOLVED, that in consideration of the findings and facts set forth above, the Piedmont City Council approves the application for a conditional use permit by Piedmont Valero for property located at 340 Highland Avenue, Piedmont, subject to the following conditions:

1. The term of the approval shall be ten years;
2. The provisions of the Conditional Use Permit shall be:
  - The hours and days of operation shall be 7 a.m. to 7 p.m., Monday thru Friday; 8 a.m. to 4 p.m. on Saturdays; closed Sundays; and gasoline pumps available 24/hrs/day for credit card use;
  - There shall be eight on-site parking spaces for staff and visitors;
  - The maximum number of people using the business site at one time shall not exceed 20, including employees;
  - Types of staff/personnel shall include managers, mechanics and cashiers;
  - After 5 years, the Applicant shall either install a smaller sized vapor recovery system or certify to the City that no such system is available. If the vapor recovery system is replaced, such replacement shall be subject to staff review and approval; and
  - The television monitors installed without prior City approval shall be subject to further review pending City Council adoption of a policy regulating such use. In the interim, the TV monitors shall be turned off until regulating criteria is established.

Moved by Chiang, Seconded by Keating  
Ayes: Barbieri, Chiang, Fujioka, Keating  
Noes: None  
Absent: Friedman  
(0340)

On a Motion by Councilmember Keating, Seconded by Councilmember Fujioka and Carried, the Council agreed to extend tonight's meeting to 11:45 p.m. in order to complete agenda consideration.

**Public Hearing:  
Appeal of Planning**

The Assistant Planner stated that Mr. Horacio Woolcott is appealing the Planning Commission's February 9 conditional approval of his

**Commission Decision,  
74 Sandringham Rd**

design review application to stylistically alter and enlarge his residence at 74 Sandringham Road. The Planner added that Mr. Woolcott is actually appealing a condition placed on the construction of rear retaining walls that was approved by the Commission on December 8, 2008. Specifically, the condition which required that the rear retaining walls be constructed and receive final inspection by August 31, 2009, or face the possibility of administrative penalties of up to \$1,000 a day.

**Public testimony** was received from:

Horacio Woolcott voiced his concern over the imposition of the \$1,000 a day penalty with regard to rear retaining wall construction, stressing that project financing complications compelled him to postpone construction of the retaining walls until his home remodel design was approved; he was unable to obtain a loan strictly for retaining wall construction. Now that he has received City approval to remodel his home, he can attempt to obtain financing for the entire project, noting his intent to construct the retaining walls as soon as possible. But Mr. Woolcott cautioned that because of the current economic recession and banking problems facing the country, he could not guarantee when a project loan would be secured. However, he noted that soils reports and structural engineering for the retaining walls are being prepared and he is ready to proceed as soon as financing is obtained.

The City Attorney explained that the rear retaining wall conditions were imposed under the Planning Commission's December 8, 2008, action approving a design review application by Mr. Woolcott for retaining wall construction and the compliance order condition imposed as part of application approval was not appealed by Mr. Woolcott within the prescribed time period. The Commission's February 9<sup>th</sup> action did not affect the December 8 decision nor involve the rear retaining walls, hence this issue cannot be a subject of tonight's appeal of the Commission's February 9<sup>th</sup> decision. However, the City Attorney clarified that whether *out of compliance* penalties are imposed and the amount of such penalties is strictly determined by the City Council. While the maximum daily penalty allowed is \$1,000, it is solely within the discretion of the City Council to impose a lesser penalty or no financial penalty at all – the \$1,000 a day fine is not automatic.

The Building Official responded to Council questions concerning the retaining wall situation, by stating that the applicant illegally excavated the hillside behind his house in 2006 and this unsupported bank has posed a significant safety hazard ever since. The Official summarized the series of communications and efforts over the years by the City to get Mr. Woolcott to correct this dangerous situation, hence the imposition of a compliance order as a condition of retaining wall approval.

Vice Mayor Barbieri then reviewed with the Council the appeal letter from Mr. Woolcott dated February 10, 2009, and pointed out that nothing in that letter dealt with the February 9, 2009, decision of the Planning Commission, but instead that appeal letter dealt entirely with the action of the Planning Commission on December 8, 2008, which action it was too late to appeal.

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

**Resolution 26-09**

WHEREAS, Mr. Horacio Woolcott is requesting permission to stylistically alter and enlarge the existing 2,321 sq. ft., 2-story residence by adding approximately 1,930 sq. ft. of habitable space through excavation and additions. The resulting 3-story residence is proposed to have a new entry and foyer on the lower level, 4 bedrooms, 3 full baths, 2 half baths, a family room, den, laundry room, living room, dining room, kitchen, game room, elevator, conforming 2-car garage, and upper level front terrace. Proposed site improvements include: new landscaping and exterior lighting; a new excavated and enlarged driveway, new entry steps and posts, new retaining walls, new driveway gate, new pathway and fencing in the front yard; and new fencing along the side and rear property lines located at 74 Sandringham Road, Piedmont, California, which construction requires design review; and

WHEREAS, the Piedmont Planning Commission conditionally approved Mr. Woolcott's design review application on February 9, 2009, and this conditional approval was appealed by Mr. Woolcott; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application and appeal, and after having visited subject property, the Piedmont Planning City Council finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These elements include but are not limited to: height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. The proposed improvements comply with Design Review Guidelines II-1, II-2, II-3(a) through (d), II-4, IV-1, IV-2, IV-3, V-5 and V-5(a) through (c).

1. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction, the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction. The proposed improvements comply with Design Review Guidelines II-5, II-6, II-7(a), IV-1, IV-2, IV-3 and IV-4. The height of the house is not being increased and it minimizes the effect on neighboring properties in terms of location and window placement.

2. The size and height of the addition is commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and is in keeping with the existing neighborhood development

pattern. The project complies with Design Review Guidelines II-1, II-2, II-5, II-6, IV-1, IV-2, IV-3 and IV-4.

4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. Pedestrian and vehicle traffic safety is improved. The project complies with Design Review Guideline IV-6.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont City Council denies Mr. Woolcott's appeal and upholds the Planning Commission's February 9, 2009, approval of his design review application for construction at 74 Sandringham Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The applicant shall apply for a building permit for the rear retaining walls and associated spa and water feature approved by the Planning Commission on December 8, 2008, that is separate from any building permit for approved construction on the remainder of the property. The current application proposes no changes to these previously approved features and any action taken by the Planning Commission on the current application in no way changes the December 8, 2008 decision approving the rear retaining walls or the conditions placed on that approval;

2. **Construction Management Plan.** A comprehensive Construction Management Plan shall be developed by the applicant. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, and other potential construction impacts, as well as other details involving the means and methods of completing the Project including the construction route. The City Building Official shall have the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the final issuance of a Certificate of Occupancy.

3. **Construction Completion Schedule.** Work on the Project, once commenced, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage complete of each phase.

a) The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks:

- i) Completion of Excavation;
- ii) Completion of Retaining Walls;
- iii) Completion of Foundation;
- iv) Completion of Rough Framing;
- v) Completion of Electrical;
- vi) Completion of Plumbing;
- vii) Completion of Mechanical;
- viii) Completion of Fire Sprinklers;
- ix) Completion of Home;
- x) Completion of Hardscaping and Landscaping;



and of any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.

b) The Director of Public Works shall, before the Project commences, make a determination as to the completion dates applicable to the Project and such determination shall constitute the "Approved Schedule" and be binding on the Applicant. The City may, at the Applicant's sole cost, engage the services of a consultant to review the Applicant's proposed Construction Completion Schedule and, to the extent the period allocated for any work appears unjustifiable, recommend to the Director of Public Works a reasonable completion date for any benchmark.

c) If the work for any specific benchmark has not been completed within 90 days after the completion date set forth in the Approved Schedule, and the delay in completion has not been caused by force majeure, the Director of Public Works shall have the option at any time thereafter to make claim against the Applicant's Performance Security in order to complete such benchmark.

4. **Geotechnical Report and Review.** The Applicant shall submit a report prepared by a geotechnical engineer of the Applicant's choice that fully assesses the existing site conditions, and addresses all issues regarding excavation and grading, foundations and their construction, drainage, retaining wall systems, periodic on-site observations, and other related items involving the Project.

a) **Peer Review.** The City, at the Applicant's sole expense, shall retain an independent geotechnical consultant to perform a peer-review of the Applicant's geotechnical report and advise the City in connection with the Applicant's proposals. The City Engineer shall select this independent geotechnical consultant, whose services shall be provided for the sole benefit of the City and whose reports and recommendations can be relied upon only by the City. Said independent geotechnical consultant shall also review the building plans during the permit approval process, and may provide periodic on-site observations during excavation and construction of the foundations as deemed necessary by the City Engineer.

5. **Foundation/Shoring/Excavation Plan.** The Applicant shall submit foundation, excavation, and shoring plans prepared by a structural engineer that fully address issues of site shoring, fencing and hillside security issues. Said plans shall not require any trespassing or intruding into neighboring properties, and shall mitigate against any subsidence or other damage to neighboring properties. Such plans shall incorporate as appropriate the recommendations of the Applicant's geotechnical engineer and the City's geotechnical consultant, and shall be subject to approval by the City Engineer and the Chief Building Official.

6. **Stormwater BMPs for Construction.** Applicant shall implement stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's

“Start at the Source” criteria for stormwater quality protection. City Staff may impose additional requirements involving the prevention of storm water pollution during construction and permanent drainage, erosion and sediment control. These items will be reviewed as part of the Applicant’s Construction Management Plan.

7. **City Facilities Security.** The Applicant shall provide a specific cash deposit, letter of credit, bank guarantee, bond, or other similar financial vehicle (“City Facilities Security”) in the amount of \$75,000.00, as established by the Director of Public Works, to cover the cost of any damage to City property or facilities in any way caused by Applicant, Applicant’s contractors or subcontractors, or any of their agents, employees or assigns, or others working for or on behalf of Applicant on this Project, and related in any way to the Project. The form and terms of such City Facilities Security shall be determined by the Director of Public Works after consultation with the Applicant.

- a) To provide clear baseline information to assist in determining whether damage to the City’s facilities has been caused by the Applicant or others working for or on behalf of Applicant on this Project, the City will document such facilities (including, without limitation, streets and facilities along the approved construction route as specified in the Construction Management Plan to establish the baseline condition of such streets and facilities, and shall further re-document the streets as deemed appropriate after the Project commences until the Director of Public Works determines that further documentation is no longer warranted. As part of such documentation, the City may possibly hose or water down the streets to better emphasize any cracks or damage in the surface thereof. The Applicant shall be responsible for the full cost of all such documentation and related work, and shall reimburse the City therefore within 21 days after receiving written notification of the work performed and the amount to be reimbursed.
- b) Proceeds from the City Facilities Security shall be payable to the City upon demand, conditioned solely on the Director of Public Works’ certification on information and belief that all or any specified part of such proceeds are due and owing to the City. The City shall not be required to prove or otherwise establish in any way that such proceeds are required to compensate it for damages to City property or facilities, that Applicant is directly or indirectly responsible therefore, or any other prerequisites to the City’s entitlement to collect such proceeds from the provided security.

8. **Performance Security.** The Applicant shall provide a specific cash deposit, letter of credit, bank guarantee, performance bond, or other similar financial vehicle (“Performance Security”) to ensure full compliance with these Conditions of Approval and the completion of the full construction of the Project, including all site improvements and landscaping, in accordance with the plans approved by the City.

- a. The Performance Security shall be in an amount to include all expected costs to complete the Project, plus 25% to cover cost escalation, unexpected expenditures and other contingencies. If, as

the Project proceeds, the expected cost to complete the Project increases beyond the original estimate in the opinion of the Director of Public Works, the City may require the Applicant to increase the amount of the Performance Security by such additional amount plus 25%, and Applicant shall provide City with written evidence of compliance within 15 working days after receiving written notice of the additional required amount. The City shall retain, at the Applicant's sole expense, an independent estimator to determine the total expected costs to complete the Project and any subsequent revisions thereto.

b. The Director of Public Works shall approve the form and amount of the Performance Security, which shall absolutely ensure completion of the entire Project. Performance under the Performance Security shall commence upon demand by the City, conditioned solely on the Director of Public Works' certification on information and belief that all or any specified part of such Performance Security is due and owing to the City. The City shall not be required to prove or otherwise establish in any way that Applicant is in default of any condition, covenant or restriction, or any other prerequisite to the City's entitlement to performance by the provided security.

c. The Performance Security shall not be released until the entire Project has an approved Final Inspection by the Chief Building Official, provided that if, in the judgment of the Director of Public Works, sufficient work has been completed according to the benchmarks and construction values as established under the Construction Completion Schedule, such Performance Security may be reduced to the extent the Director of Public Works in his sole discretion shall determine is appropriate.

9. **Consultant Cost Recovery.** As the City must, in order to accommodate the scope and nature of the Project proposed by the Applicant, retain independent consultants with specialized expertise, the Applicant shall, prior to issuance of the building permit, make a cash deposit with the City in the amount of \$2,500.00 to be used to pay for the fees and expenses of such City consultants, or in any way otherwise required to be expended by the City for professional assistance (other than City Staff), in conjunction with the Project, at the discretion of the Director of Public Works. If such cash deposit has been reduced to \$100.00 or less at any time, the Director of Public Works may require the Applicant to deposit additional funds to cover any further estimated fees and expenses associated with consultants retained by the City for the Applicant's Project. Any unexpended amounts shall be refunded to the Applicant within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

10. **City Attorney Cost Recovery.** Due to the substantial additional commitment of City Attorney's time required to accommodate the scope and nature of the Project proposed by the Applicant, the Applicant shall, prior to commencement of construction, make a cash deposit with the City in the amount of \$1,000.00 to be used to offset time and expenses of the City Attorney relating to the Project. If such cash deposit has been reduced to \$500.00 or less at any time, the

Director of Public Works may require the Applicant to deposit additional funds to cover any further estimated additional City Attorney time and expenses. Any unused amounts shall be refunded to the Applicant within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

11. **Property Insurance.** The Applicant shall purchase and maintain property insurance on an "all-risk" policy form, including builder's risk, in the amount of the initial total expected costs to complete the Project, plus the value of subsequent modifications and revisions, comprising total value for the entire Project on a replacement cost basis without optional deductibles. Such property insurance shall include interests of the Applicant, its contractor, subcontractors and sub-subcontractors in the Project, and shall be maintained until the entire Project has been completed and has an approved Final Inspection by the Chief Building Official.

12. **Contractor's General Liability Insurance.** The Applicant shall require all contractors and subcontractors performing work on the Project to maintain General Liability Insurance for protection from claims for damages because of bodily injury, including death, and claims for damages, other than to the contractor's work itself, to property which may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$1,000,000.00 per occurrence.

13. **Insurance Cancellation Notice.** The Applicant shall require that all insurance policies obtained to satisfy any specific Condition of Approval provide the City with at least 10 days prior written notice from the insurance company of the cancellation of or change to any insurance coverage provided therein. Applicant shall immediately arrange for substitute insurance coverage to replace any such cancellation or change, subject to the approval of the City Attorney.

14. **Creditors' Claims.** All security, funds or financial vehicles set forth in any of these Conditions of Approval shall be earmarked or dedicated so that they are not subject to creditors' claims.

15. **CEQA Agreement.** The Applicant shall, pursuant to a form of agreement prepared by the City Attorney and executed by the Applicant, defend, at Applicant's sole expense, indemnify and hold harmless the City of Piedmont, its elected and appointed officials, agents, officers and employees from and against any claim, demand, loss, liability, action or proceeding relating to, resulting from, or in connection with any determination, whether through its Planning Commission, City Council, City Staff, or otherwise, regarding applicability of the California Environmental Quality Act to the Applicant's Project, including but not limited to any determination that a Categorical Exemption applies or that an Initial Study, a Negative Declaration or an Environmental Impact Report is or is not required for the Project.

16. **C&D Compliance.** Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project. This Project is eligible to participate in an incentive program in which the City will

provide one-half the cost of debris boxes provided by the City's franchised waste hauler and used exclusively for the purpose of removing recyclable construction and demolition debris, subject to continued availability of funds.

17. **Modifications to Conditions.** Any bonds, financial vehicles, insurance requirements or related Conditions of Approval may be modified in a reasonable manner with the joint agreement of the Director of Public Works and the City Attorney, provided that such modified Conditions of Approval continue to satisfy the general intent of the Condition as originally set forth herein.

18. The approved plans are those submitted on January 20, 2009, with additional information submitted on January 21, 26, 28, 29 and 30, 2009, after neighbors were notified of the project and the plans were available for public review;

19. The applicants shall work with City staff to verify the location and depth of the sanitary sewer main and easement at the front of the property prior to the issuance of a building permit and any excavation and construction of the new driveway, entry steps and retaining walls;

20. Prior to the issuance of a building permit, the applicants shall apply and pay for an encroachment permit for the construction of any portion of new retaining walls or other new improvements located in the City's street right-of-way and/or any sewer easement at the front of the property;

21. The new driveway gate and new garage door shall be electronically operated;

22. The new exterior wall- and eave-mounted light fixtures shall be downward-directed with an opaque or translucent shade;

23. The driveway treatment color and texture shall be integrated with the materials of the house and shall not be cast-in-place concrete. Said treatment shall be subject to staff review and approval;

24. The location of the gas meter shall be reexamined so as not to be visually obtrusive. Said relocation shall be subject to staff review and approval.

RESOLVED FURTHER, that while the Piedmont City Council determines that Mr. Woolcott did not timely appeal the Planning Commission decision of December 8, 2008, the Piedmont City Council also upholds the Planning Commission's December 8, 2008, conditional approval of Mr. Woolcott's design review application for construction of rear retaining walls at 74 Sandringham Road, in accordance with the findings and conditions of Planning Commission Resolution 344-DR-07.

Moved by Keating, Seconded by Chiang

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

(0080)

**Public Hearing:  
Appeal of Planning  
Commission Decision,  
53 Cambrian Avenue**

Vice Mayor Barbieri announced the Planning Commission's conditional approval of Mr. and Mrs. Ben O'Neil's design review application for construction of a new house at 53 Cambrian Avenue has been appealed both by the O'Neil's and their neighbor Byron James. However, both appellants have requested in writing that their appeal hearings be continued to April 6 to allow additional geotechnical testing and analysis to be completed.

**Resolution 27-09**

RESOLVED, that the City Council continues to April 6, 2009, the appeal hearings pertaining to new home construction at 53 Cambrian Avenue.

Moved by Fujioka, Seconded by Chiang

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman  
(0080)

**ANNOUNCEMENTS**

Congestion Management Authority – Councilmember Chiang stated that under the new Federal Stimulus Bill, Piedmont may receive \$106,000 in federal stimulus funding.

Police Department Website – The Vice Mayor announced that the Piedmont Police Department website has been updated to provide weekly crime statistics and monthly crime tips.

Commission/Committee Vacancies – The Vice Mayor encouraged residents to apply for appointment to vacancies on the City's various commissions and committees. The vacancies are listed on the City's website. Application deadline is March 20, with Council interview of candidates scheduled for March 30.

Capital Improvement Projects – The Vice Mayor announced that the City's CIP Committee is soliciting capital improvement project suggestions for funding consideration when the City's economic situation improves. The deadline for submitting project suggestions is March 20.

Environmental Task Force – Councilmember Fujioka announced that the next meeting of the Environmental Task Force is March 24 at 5:30 p.m. The public is invited to attend.

**FUTURE AGENDA ITEMS**

Emergency Preparedness – Councilmember Fujioka requested that at a future meeting the Fire Chief be requested to report on the City's emergency preparedness program. She also requested that emergency preparedness "tips" and updates be posted on the City's website.

**ADJOURNMENT**

There being no further business, Vice Mayor Barbieri adjourned the meeting at 11:55 p.m.