

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 2, 2009

A Regular Session of the Piedmont City Council was held November 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 October 29, 2009.

CALL TO ORDER

Mayor Friedman called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Fire Chief John Speakman, Finance Director Mark Bichsel, Public Works Director Larry Rosenberg, City Clerk Ann Swift, City Planner Kate Black and Recording Secretary Chris Harbert

PRESENTATIONS

The Fire Chief reminded residents to change the batteries in their smoke detectors and to review their home fire escape plans. He noted the department's availability to assist residents in these two endeavors. Councilmember Fujioka reminded residents that old batteries must be recycled, noting that they can either be dropped off at the Fire Department or placed in a sealed plastic bag and left atop the resident's blue recycling bin.

PHS Track Coach Chris Thayer and members of his Cross-Country Track Team encouraged residents to participate in the team's 8th annual *Turkey Trot* foot race fundraiser on November 26. They emphasized the importance of this fundraiser for the high school's cross-country and track teams and the community's long-standing support and enjoyment of this annual race through the streets of Piedmont.

CONSENT CALENDAR

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

Minutes

Approves as submitted Council meeting minutes of October 19, 2009

Street Closures

Approves the request of the Piedmont High School Cross-Country Team to close certain City streets on November 26, 2009, for the team's annual *Turkey Trot* fundraiser.

Resolution 91-09

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

Moved by Fujioka, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(1000)

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following items of regular business:

Prop 1A Securitization Program

As discussed at the Council's October 19 meeting, the Finance Director submitted proposed resolutions authorizing the City's participation in the California Statewide Communities Development Authority's program enabling local agencies to sell their property tax receivables (money borrowed by the State earlier this year) to the CSCDA which would then issue bonds and provide each local agency with the cash proceeds in two equal installments in January and May of 2010. Sam Sperry, the City's Special Bond Counsel, advised the Council that he and the City Attorney have reviewed the program and determined there is no financial cost, risk or liability to the City if it participates in the program. The City Administrator recommended Council approval of the proposed resolutions.

Resolution 92-09

RESOLVED, that the City Council approves the following documents on file in the City Clerk's Office which will sell approximately \$800,000 in future City property tax revenue to the California Statewide Communities Development Authority (CSCDA):

- Resolution approving the sale of City tax revenue under the Proposition 1A Receivable Financing Program;
- Purchase and sale agreement with CSCDA; and
- Certificate of the Seller regarding components of Prop 1A receivables

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0165)

Ordinance

Per Council direction of May 18, 2009, the City Planner submitted proposed Ordinance 692 N.S. adding new definitions to Section 17.2 and modifying in its entirety Section 17.19 of the City Code to permit and regulate electronic advertising and informational devices. She referenced her staff report in summarizing how other cities address and regulate electronic advertising monitors.

Public testimony was received from:

George Childs cautioned that restricting audio levels on ATM machines could possibly inconvenience the visually impaired.

The Council reviewed the proposed ordinance at length with mixed opinions as to whether the proposed ordinance is acceptable as submitted or should be amended so that ATM devices are not excluded from ordinance provisions. The Mayor requested that the ordinance be amended to include a definition of *Open to the Public*. He suggested that said definition be worded in a manner to indicate "any time the premises are available to the public for intended business use." He further recommended that with the inclusion of this definition, ATM machines not be excluded from the Code's regulation of electronic advertising and informational devices. The Council supported this recommendation provided such definition does not result in unintended consequences related to the hours of operation of approved Conditional Use Permits and/or exterior building lighting restrictions. Staff agreed

to examine the issue and submit proposed revisions at the second reading.

Resolution 93-09

RESOLVED, that the City Council approves the first reading of Ordinance 692 N.S. modifying the sign provisions of Chapter 17 of the City Code, as amended to include a definition of *Open to the Public* and to include bank automated teller machines within the provisions and regulations of the ordinance.

Moved by Fujioka, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0705)

ANNOUNCEMENTS

Municipal Election —the nomination period for the February 2, 2010, municipal election is now open, with the deadline for filing for the three seats on the City Council and the two seats on the School Board being November 6. The last day to register to vote in this election is January 18, 2010.

Climate Action Plan – residents were encouraged to complete the City’s on-line survey relating to the City’s draft Climate Action Plan by the November 6 deadline.

ADJOURNMENT

There being no further regular business, Mayor Friedman adjourned the Council at 8:30 p.m. to Closed Session regarding significant exposure to litigation, initiation of litigation and evaluation of management employee performance held pursuant to Government Code Sections 54956.9(b)(1), 54956.8 and 54957, respectively.

CLOSED SESSION

The Vice Mayor reconvened the meeting at 10:23 p.m. with Councilmembers Chiang, Fujioka and Keating present. The Vice Mayor in conjunction with the City Attorney announced that a unanimous City Council, including the Mayor, had taken action in connection with the threatened litigation that the Council discussed in closed session pursuant to Government Code Section 54956.9(b)(1) as follows: The Piedmont City Council approved entering into the Stipulated Order process with the U.S. Environmental Protection Agency, and further authorized one or more of the following to execute any documents required as part of the process, including the final Stipulated Order: the Mayor, Vice Mayor, City Administrator and the City Attorney.

The meeting was then adjourned at 10:28 p.m.