

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, October 19, 2009

A Regular Session of the Piedmont City Council was held October 19, 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 15, 2009.

CALL TO ORDER

Following a 6:30 p.m. Closed Session regarding evaluation of management employee performance for FY 08-09 held pursuant to Government Code Section 54957, 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, Margaret Fujioka and Garrett Keating

Staff: City Administrator Geoff Grote, Acting Police Chief John Hunt, Fire Chief John Speakman, Finance Director Mark Bichsel, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Planner Kate Black, Assistant Planner Kevin Jackson and Recording Secretary Chris Harbert

CONSENT CALENDAR

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

Minutes

Approves as amended Council meeting minutes of October 5, 2009

Resolution 86-09

RESOLVED, that the City Council adopts the consent calendar as noted.
Moved by Chiang, Seconded by Barbieri
Ayes: Barbieri, Chiang, Fujioka, Keating
Noes: None
Abstain: Friedman

PUBLIC FORUM

George Kersh voiced concern that poor investment practices by CalPers will result in municipalities having to increase their contributions to this employee retirement fund to offset financial losses. As a consequence, he urged the Council to consider this possibility when contemplating salary increases to management employees. He added that employees in the private sector have seen their salaries and benefits reduced in light of the current economic difficulties.

REGULAR CALENDAR

The Council considered the following items of regular business:

Crime Statistics

Acting Police Chief Hunt reviewed the City's crime statistics for the first nine months of 2009, noting that crime has increased approximately 12% over last year's level. Most crimes continue to be random crimes of opportunity and he urged residents to take advantage of crime prevention tips listed on the Department's website.

Public testimony was received from:

Don Sandy inquired re police department preparations for next week's Halloween weekend. The Acting Chief responded that the department will have a full compliment of officers on duty.

Councilmember Fujioka encouraged the Department and residents to be pro-active in organizing neighborhood watch programs. Councilmember Chiang concurred, suggesting that such neighborhood programs also involve Fire Department personnel to assist residents/neighborhoods in developing emergency preparedness plans. The Mayor and Councilmember Keating requested the Chief to include in his next quarterly crime statistics report, crime statistics for those districts of Oakland that border Piedmont. The Mayor also requested the Acting Chief and City Administrator to consider instituting a community policing policy involving both police and fire personnel.

**Conditional Use Permit
370 Highland Avenue**

The Council acknowledged receipt of the Planning Commission's October 12th unanimous recommendation that a conditional use permit be granted to Mr. Rob Bloemker to open an investment office in the existing multi-tenant office building at 370 Highland Avenue. The Mayor noted that neither the Council nor the Planning Commission received any correspondence in opposition to the proposed application.

Resolution 87-09

RESOLVED, that the City Council determines that Mr. Rob Bloemker's conditional use permit application to open an investment office at 370 Highland Avenue is categorically exempt under the California Environmental Quality Act, pursuant to Section 15302, Class 1; and

RESOLVED FURTHER, that the City Council adopts the findings set forth in Planning Commission Resolution 223-CUP-09, adopted October 12, 2009, in granting Mr. Rob Bloemker a conditional use permit to open an investment office in Suite 200 at 370 Highland Avenue, subject to the following conditions:

- *Days & Hours of Operation* – 6 a.m. to 6 p.m. business days
- *Maximum No. of People on Site* – One to five investment professionals. There will be no client visits.
- *Types of Staff/Personnel* – One investment professional, with the possibility that four additional investment professionals could be added at a later date
- *Permit Term*: 6 years to coincide with the applicant's lease

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0340)

**FY 09-10
Budget Update**

As requested by the Council, the Finance Director submitted the first quarter status report for the FY 09-10 budget. During Council review of the report, the following requests were made for the 2nd Quarter Report:

- Reflect a more realistic expectation of the amount of revenue to be received from *Use of Money or Property* in light of extraordinary low interest rates;
- Provide a "forecast" of revenues/expenses based upon 6 months of data;
- Provide an explanation of Schoolmates' *Contract Services*;
- Delete #127 *Capital Improvement Fund* line item under the "Other Funds Revenue Analysis"

**Proposition 1A
Securitization Program**

The City Administrator announced that the California Statewide Communities Development Authority (CSCDA), a joint powers authority sponsored by the California State Association of Counties and the League of California Cities has developed a program to enable local agencies to sell their property tax receivables to CSCDA and receive cash payments in return. If Piedmont was to participate, it would receive:

- The \$800,000 in property tax revenue that the State borrowed in FY 09-10. The payments would be made in two equal installments on January 15, 2010 and May 3, 2010;
- Piedmont would have no obligation with respect to the payment of the bonds, nor any reporting, disclosure or other compliance obligations associated with the bonds in connection with CSCDA's issuance of bonds for repayment of this debt by the state at a later date;
- Piedmont would not have to pay any interest costs or costs of bond issuance in connection with CSCDA's issuance of bonds;
- The cash payments may be used for any lawful purpose and are not restricted by the program; and
- Piedmont would receive the money the state borrowed now rather than three years from now when the state is obligated to repay the City.

Public testimony was received from:

George Childs voiced suspicion that the proposed program "sounds too good to be true."

The City Administrator stated his intent to request the City Attorney and the City's Bond Counsel (Sam Sperry) to perform a legal analysis of the securitization program and report back their findings at the Council's November 3rd meeting. He noted that while Piedmont is not "cash strapped" for the \$800,000 the state borrowed, there may be less risk in receiving the money now under the securitization program than risking the possibility that the state may not be financially able to pay back the loan in three years. He stated that the legal opinion from the City Attorney and Bond Counsel will set out the risks of both options – participating in the program or waiting until the 3-year repayment deadline.

**Linda Avenue
Traffic Improvements**

The Public Works Director stated that at the request of Beach School parents, the School District and City authorized a traffic safety study of Linda Avenue near Beach School. The study was performed by Ellen Poling, Senior Associate of Fehr & Peers Transportation Consultants. The Public Works Director recommended that the Option 2 improvements set forth in the October 13 report be approved.

Ellen Poling summarized the findings and improvement options set forth in the report, noting in particular:

- **Option 1** – Installing two mid-block crosswalks, one at the Beach School Gate (with a school crossing guard) and one at the Linda Playfield gate; designating substantial red curbing adjacent to the Beach School crosswalk, with less red curbing at the Playfield crosswalk to provide adequate sight distance;

designation of long white curb loading zones on both sides of Linda Avenue and on Lake Avenue in front of the School from 8-9 a.m. and 2-3 p.m. to facilitate student drop off and pick up; designation of a 15 mph zone and installation of crosswalk signs and crosswalk advance warning signs. In response to questions, Mr. Poling stated that the Beach School Gate crosswalk, even without a crossing guard, would be safe per established standards provided red curb no stopping/no parking is strictly enforced to preserve adequate sight lines for both drivers and pedestrians. She also recommended that night lighting of this crosswalk would also enhance pedestrian safety.

- **Option 2** - Installing a mid-block crosswalk at the Playfield gate with crosswalk signs and crosswalk advance warning signs, designation of white curb loading zone along the Beach School side of Linda Avenue and Lake Avenue, designation of a 15 mph speed zone on Linda Avenue from the Oakland Avenue Bridge to Lake Avenue;

(During Discussion a third Option was suggested)

- **Option 3** – relocate the Option 2 mid-block crosswalk with appropriate signage to the area between the Playfield gate and the Beach Tennis Courts.

Correspondence was received from: Pat McSwain, Oct. 18; Anne Marie Migul, Oct. 19

Public testimony was received from:

Julie Valdez, Principal of Beach School, emphasized the need for students to safely cross Linda Avenue when going to and from school and the problems currently caused by jaywalking and speeding traffic. She voiced support for Option 1 provided the proposed white curbing is reduced in length and portions of it designated for 15-minute parking. She didn't support eliminating so much of existing unrestricted Linda Avenue parking (approximately 16 to 20 spaces) because parent volunteers need opportunities to park near the school and many parents like to park and walk their children into and out of school – the proposed extent of white curbing would eliminate this convenience. She also suggested that traffic calming measures, such as lane stripping be used to slow traffic speeds and that on-street parking on Linda be "T" marked to maximize parking efficiency.

David Weiner objected to the loss of so much on-street parking, stressing that neighborhood residents must park on the street because their garages are too small to accommodate modern-sized cars. He urged that if the proposed white curbing is installed along Lake Avenue, a residential permit parking zone be created.

Eve Grossman concurred with Principal Valdez' comments and suggestions.

Laura Katter, President of the Beach Parents Organization, agreed that there is no need for such extensive white curbing, stressing the disadvantages of shifting parent/teacher parking onto adjacent residential

streets. She supported the two crosswalks of Option 1, the 15 mph speed zone and traffic calming stripping but suggested that the white curbing be eliminated on Lake and reduced on Linda.

Esther Rogers voiced support for Option 1.

Greg Jurin suggested that a landscaped median be installed down the center of Linda Avenue to eliminate jaywalking.

The Council discussed the various options at length, with general consensus of support voiced for Option 1 with modifications and strict police enforcement. During the discussion, the City Administrator and Public Works Director stated their opposition to Option 1, citing traffic safety concerns for creating a false sense of security for pedestrians when the mid-block crosswalk at the Beach School gate is not manned by a crossing guard, acquiescing to the current unsafe jaywalking practices of Beach parents and the likely backlash from Piedmont drivers cited for pulling into the red curb while dropping off their children and exceeding a 15 mph speed zone.

Resolution 88-09

RESOLVED, that the City Council approves the proposed traffic safety improvements around Beach School as set forth in Option 1 of the Fehr & Peers Traffic Report, with the following modifications:

- The exact length, placement and time restrictions for the three proposed white curb zones shall be determined based upon input from City staff, the Beach School Principal and the City's Traffic Engineer (Ellen Poling);
- The traffic calming measure of lane stripping shall be used on Linda Avenue
- On-street parking along Linda Avenue shall be "T" marked to maximize parking efficiency

RESOLVED FURTHER, that said traffic improvements shall be implemented on a 2-year trial basis, with a evaluation report from staff to be submitted at the end of the 09-10 school year or earlier if staff deems it appropriate.

Moved by Keating, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(1060)

Mayor Friedman requested that if possible, the proposed improvements be in place following the Thanksgiving school holiday.

On a motion by Councilmember Chiang, seconded by Councilmember Fujioka and unanimously carried, the Council agreed to extend tonight's meeting to 11:30 p.m. in order to complete agenda consideration.

**Animal Control
Services**

The Acting Police Chief reported that since the City terminated one of the City's two animal control officer positions in the FY 09-10 budget, the City of Emeryville has expressed dissatisfaction with the level of service being provided to it under Piedmont's current animal services contract. Consequently, Emeryville has agreed to increase its annual payment to the City for animal control services to \$85,000 if the second

officer position is reinstated – the contract fee was originally \$60,00 per year for two officers but renegotiated to \$30,000 for FY 09-10 in light of the reduction of one officer. The net cost to the City for reinstating this second officer position for FY 09-10 would be \$17,000. However, if the City rejects Emeryville’s offer, there is a strong possibility that Emeryville may terminate the contract and the City would lose the current \$30,000 fee. It was also noted that two officers would probably result in more than doubling of projected citation fee revenue for 09-10 because there would be more time for officer patrols of City parks and dog runs.

Resolution 89-09

RESOLVED, that the City Council accepts the City of Emeryville’s proposal to increase the contract payment for animal control services from the previous contract fee of \$60,000 per year to \$85,000 for two animal services officers; and

RESOLVED FURTHER, that the City Council authorizes staff to hire a second animal control officer per the terms and conditions set forth in the staff report.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0045)

Climate Action Plan

The Assistant Planner recommended approval of a contract with EDAW in the amount of \$9,860 for the preparation of an Initial Study for Piedmont’s Climate Action Plan (CAP) as required by the California Environmental Quality Act. The Assistant Planner added that Measure D grant funds provided by StopWaste.Org will be used to cover the cost of said contract.

Public testimony was received from:

George Childs and Elizabeth Schultz voiced concern that the draft Climate Action Plan appears to be imposing expensive mandated energy efficiency upgrades on private property. They urged that any final plan be incentive based rather than mandatory. Mr. Childs also felt that many of the plan’s objectives were unreasonable and impractical.

On a motion by Councilmember Fujioka, seconded by Councilmember Chiang and unanimously carried, the Council agreed to extend tonight’s meeting to 11:40 p.m. in order to complete agenda consideration.

The Council reiterated its position that the intent of the Climate Action Plan is to educate residents of the benefits of energy efficiencies and facilitate the voluntary achievement of such initiatives. It is not the intent of the Council to require homeowners to incur costs through mandated requirements. The Council requested staff to relay this position to the City’s CAP consultant to insure that the final plan will inspire rather than mandate reductions in greenhouse gas emissions.

Resolution 90-09

RESOLVED, that the City Council awards a contract to EDAW/AECOM in the amount of \$9,860 for the preparation of an Initial Study for Piedmont’s Climate Action Plan as required by the California

Environmental Quality Act and authorizes the use of quarterly Measure D grant funds provided by StopWaste.Org to cover the cost of said contract.
Moved by Barbieri, Seconded by Chiang
Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating
Noes: None
Absent: None
(0045)

The Assistant Planner stated that it is anticipated that the Initial Study and Draft Action Plan will be submitted for public hearing review at the Council's meeting of December 7.

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 February 2, 2010.

Haunted House – the Recreation Department's annual *Haunted House* will be open from October 28 through 30th.

League of Women Voters – presented a wonderful cultural exchange forum on October 15 welcoming a delegation of government officials from the Republic of Kalmykia.

ADJOURNMENT

There being no further business, Mayor Friedman adjourned the meeting at 11:45 p.m.