

PIEDMONT CITY COUNCIL

Special Joint Meeting Minutes for Monday, January 26, 2009

A Special Session of the Piedmont City Council and Piedmont Board of Education was held January 26, 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 January 23, 2009.

CALL TO ORDER

Following a 7:00 p.m. Closed Session regarding potential litigation related to the Vista Avenue tennis courts held pursuant to Government Code Section 54957(b)(1), Mayor Friedman called the meeting to order at 7:40 p.m. with the Pledge of Allegiance.

ROLL CALL

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

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

Piedmont Board of Education: President June Monach and Board Members Rick Raushenbush, Ray Gadbois, Roy Tolles and Martha Jones

School District Staff: School Superintendent Constance Hubbard

PUBLIC FORUM

There were no speakers for the public forum.

SPECIAL SESSION

The Mayor announced that the purpose of tonight's special session is to hold a joint meeting with the Piedmont Board of Education to respond to four questions posed by the Piedmont Board of Education related to possible site locations for the portable classrooms which will be needed for the next three to four years while school facilities are undergoing seismic upgrading pursuant to the School District's Measure E program. A previous joint meeting on this issue was held December 1, 2008. School Board President Monach briefly reviewed the history of the District's Measure E program, noting that construction at Havens and the High School will begin in June 2009, followed by seismic upgrades at Wildwood School in 2010 and Beach School 2011. She acknowledged the complexity of the interim housing issue and the tremendous public input received by both the School Board and City Council. The four questions posed by the School Board were: (1) would the City allow classroom portables to be placed on the Vista tennis courts for the 2009-2010 school year? Also, would the City consider extending this portable use of the tennis courts for two additional years? (2) would the City assist the School District in providing community and school access to the Davies Tennis Stadium as a mitigation measure for portables on the Vista courts? (3) would the City allow portables to be placed on Blair Park beginning in 2010-11 even if the PUSD cannot contribute any funding toward Blair Park development costs? and (4) would the City work with the PUSD to coordinate before and after school Schoolmates and Recreation

Department programs if the Emeryville site is chosen for interim housing?

School Superintendent Hubbard outlined the three housing options currently under consideration for the 09-10 school year:

Option A – Emeryville school site. Havens students would be bused to the Emeryville school and PHS students would relocate to the portables currently on the Havens campus;

Option B – utilize the existing Havens portables for some Havens students and house the remaining Havens students in portables placed on the Vista Avenue tennis courts. Portable classrooms for PHS students would be located on the Wildwood blacktop;

Option C – utilize the existing Havens portables for some Havens students and house the remaining Havens students in portables located on the Wildwood blacktop. Delay PHS seismic upgrade until 2010-2011.

Correspondence was received from: Don & Penny Rendall, Kelliane Lam, Lauren Dutton & Glen Tripp, Nora Canty, Sarah Smith, Clay & Kristi Mitchell, Betsy & Chris Lalli, Susan Kahn, Wendy & Steve Martinez, Julie Watters, Mirjana Kelava, Hank Sigal, Christine Rennels, Carin Alemania, Rachael Meny & Matthew Hinsch, Jessica Berg, Bob & Barbara Eisenbach, Andy & Amber Hervey, Priscilla Carson, Kathleen Hurley, Brian Cain, Karen Hawkins, Gregory Toto & Susan Crown, Ken Koretz, Sara James, Alice Creason, Wynne & Ralph Kokka, Phil Handin, Melinda Han, Katie Korotzer, Selma Chin, Lisa Lawson, Narcisco Jaramillo, Laura Katter, Lisa Peters, Jay Bransfield, Nora Canty & Monica McCarty, Elizabeth Becker, Sheila Addiego, Larry Hawkins, Leanne Paoli, Lindy Palfreyman, Joan & George Weickhardt, Melissa Feldman & Daniel Greenstein, Larry Gabie, Kuni & Kyla Oh, Kelliane Lam, William Schwartz, Suzanne Lane, Lisa & Chris Rossi, Mike McLaughlin, E. P. Anderson, Drew Bendon

Public testimony was received from 30 residents. The following major points were highlighted during the lengthy comment period:

Emeryville School Site – Kelliane Lam, Carolyn Kenney, Scott Kucirek, Rachel Asa, Kristi Stone, Patrick Prendergast, Linda Lymburn, Bert Nash and Steven Flesch: Objected to relocating Piedmont students to Emeryville, citing: (1) the inconvenience and safety concerns Havens parents would suffer from having their elementary school children being bused out of town; (2) the detrimental impact on Piedmont real estate values if prospective buyers learn that their children would not be attending school locally but would be bused out of town; (3) the economic impact on local businesses, such as Mulberry's Market, if school children are bused out of town; and (4) there is overwhelming support by Havens parents for an "in-house" portable location site.

Liam Galbreth and Michael Rosen: Supported relocating Piedmont students to Emeryville, stating that it is the most cost effective solution and provides Havens students with real classrooms and school facilities that are difficult to duplicate with portable trailers.

Vista Avenue Tennis Courts – Wynne Kokka, Carolyn Kenney, Rachel Asa, Kristi Stone, Claudia Harrison, Margaret Dunlap, Patrick Prendergast, Bert Nash, Karen Hawkins, Monica McCarty, Debbie Mahoney: Supported locating classroom portables on tennis courts, citing: (1) it is the fairest solution since the number of Havens students and parents outweigh the number of residents who would be displaced/inconvenienced by the loss of the tennis courts; (2) there is overwhelming support by Havens parents for this option; (3) having children schooled locally and being able to walk to school is very important to Piedmont parents and residents; (4) alternative tennis sites are available to accommodate the needs of Piedmont tennis players; and (5) Piedmont has no experience in busing students to school.

Lindy Palfreyman, Theo Matthews, Neil Rothenberg, Kevin Lasky, Dick Hunt, Michael Rosen, Annie To, Randy Sloan, PHS Varsity Women Tennis Team Players, Dean Criddle, Steven Flesch and Diane Geotz: Opposed locating classroom portables on the tennis courts, citing: (1) the tennis courts are a very popular and well-used community recreational facility; (2) the courts were just resurfaced and this expenditure would be wasted if classroom portables are approved. In addition, the costs associated with repairing the courts and lighting system following school classroom use are significant – therefore, a better solution for use of limited financial resources should be pursued; (3) the PHS varsity tennis program is very successful and would be severely impacted without the Vista courts. In addition, the Piedmont Ladies Tennis Club, Piedmont U.S.T.A. teams and Piedmont B.A.L.L. teams would also be severely impacted – league play requires a minimum of 3 courts at any one site; PHS matches require 4 courts -- the Vista courts are the only tennis courts in town that satisfy these requirements; (4) playing on a high school sports team is very important for college admissions as well as acceptance on college sports teams – don't deprive PHS students from having the opportunity to play high school tennis as a preparation for college tennis opportunities; (5) Piedmont team and community access to non-Piedmont owned tennis facilities may be limited because these facilities (such as Davie Tennis Stadium, Laney College, etc.) are already very well used by their own constituents and there may not be sufficient open time to accommodate Piedmont's needs; (6) there are too many uncertainties and safety unknowns with the proposed classroom use of the court site as mentioned in the Fire Chief's and City Administrator's staff reports; (7) given the current economic uncertainties with regard to state financing, it is likely that portables would be on the Vista courts for much longer than one year; (8) portable classrooms on the courts would be an unsightly blight in the middle of the Civic Center; (9) locating classroom portables at the tennis court site represents a significant change in use, would impose a significant impact on neighboring residents in terms of traffic/parking congestion and therefore should be subject to a full EIR study and not be granted a categorical exemption from CEQA;

Blair Park – Bill Drum, Joannie Semitekoll and Morrisa Shurman opposed use of Blair Park as an interim housing site, citing: (1) the proposed housing and sports development proposals are impractical and too costly and the City should not expend any more

funds pursuing these proposals; and (2) the site is inappropriate and unsafe for school use.

Linda Lymburn suggested that the PUSD explore utilizing space within the campuses of the high school, middle school and millennium school for Havens student classrooms.

Ralph Catalano inquired when a decision will be reached as to whether portable location at Blair Park would be included in the on-going CEQA study for the proposed sports development of the park.

Steven Flesh suggested that portables for Havens students be located on the Witter girls softball field since there are fewer softball players than tennis players in Piedmont.

Staff Comments:

Vista Tennis Court Site -- The City Administrator referenced his staff report in summarizing outstanding issues related to possible use of the Vista tennis courts for interim housing: fire and life safety issues raised by the Fire Chief have to be resolved to the Chief's satisfaction; a determination by the State School Architect is required that the site is acceptable for classroom portable location; acknowledgment that because of the state budgetary crisis, delays in funding for the proposed Wildwood and Beach seismic upgrades could happen with the result that portables could be left in place and vacant until such time as the seismic work resumes; an use agreement negotiated with the School District would be required to cover the loss of City tennis revenue, include broad and comprehensive hold harmless indemnification and fully reimburse the City for court and lighting repair costs following the removal of the portables.

Blair Park – The City Administrator stated that school related estimated costs for installing classroom portables at Blair would be as follows:

- \$10,000 – EIR consultant
- \$20,000 – Traffic engineering
- \$125,000 – Architectural design for portable placement, internal circulation, parking, fencing, play area, etc.

City Council Comments

A Council majority voiced support for Option C, believing that this approach would lead to utilizing Blair Park for the second and third years of the seismic upgrade project (the Council's first choice per the December 1, 2008, joint meeting with the School Board) as well as preserve the tennis courts for PHS and community use. However, the Council emphasized its commitment to support the School Board in whatever decision it reaches in this matter. With regard to using the Vista tennis courts, the Council indicated a willingness to allow the use of the courts for one year but voiced reluctance to granting a longer time period because of the hardship it would impose on the community's tennis players and programs. However, the Council indicated that if alternative tennis sites can be obtained to accommodate the community/Recreation Department/PHS tennis programs, it would consider approving additional years of use of the Vista site for

classroom portables. In response to the four questions posed by the School Board to the Council, the Council took the following action:

Resolution 10-09

RESOLVED, that the City Council would consider providing PUSD access to the Vista Tennis Courts for one year (2009-2010) for the location of classroom portables, subject to a negotiated use agreement with the School District providing for broad indemnification and reimbursement for lost tennis revenue, alternative court usage costs and reparation costs for repairing the tennis courts and lighting system following PUSD use.

Moved by Barbieri, Seconded by Fujioka

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

On a Motion by the Vice Mayor, Seconded by Councilmember Chiang and Unanimously Carried, the Council agreed to extend tonight's meeting to 11:15 p.m. in order to complete agenda consideration.

Resolution 11-09

RESOLVED, that the City Council would consider providing PUSD access to the Vista Tennis courts for two additional years, subject to obtaining suitable alternative tennis space and access for the community's tennis programs and a negotiated use agreement with the School District providing for broad indemnification and reimbursement for lost tennis revenue, alternative court usage costs and reparation costs for repairing the tennis courts and lighting system following PUSD use.

Moved by Barbieri, Seconded by Fujioka

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

Resolution 12-09

RESOLVED, that the City Council will work with the PUSD to explore the possibility of providing community and school access to other tennis facilities, such as but not limited to the Davies Tennis Stadium, as a mitigation measure while the Vista tennis courts are used for interim student housing.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

Resolution 13-09

RESOLVED, that the City Council would consider providing access to Blair Park for PUSD interim housing subject to the School District providing funds to cover all costs associated with school use of this site as well as consider contributing additional funds toward general site preparation work, with the understanding that City and private funds may also be used for this purpose.

Moved by Barbieri, Seconded by Fujioka

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

Resolution 14-09

RESOLVED, that the City Council will work with the PUSD to coordinate before and after school Schoolmates and Recreation Center activities at any site selected for interim housing, regardless of whether it is in or out of town.

Moved by Barbieri, Seconded by Fujioka

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

ANNOUNCEMENTS

Lunar New Year Celebration – The Mayor announced that the Piedmont Asian-American Club is sponsoring a “Lunar New Year” celebration on Saturday, February 7 at Beach School. The public is invited to attend this great family event.

Wildwood Dad’s Club – Councilmember Chiang encouraged residents to attend the Wildwood Dad’s Club annual *Crab Feed* fundraiser on February 7.

School Board – The Mayor reminded residents that the School Board will select an interim housing site for Havens School at its regularly scheduled meeting tomorrow night at 7:00 p.m.

Environmental Task Force – Councilmember Fujioka announced that the Task Force will hold its next meeting on January 27 in the Police Department EOC Room. The public is invited to attend.

ADJOURNMENT

There being no further business, Mayor Friedman adjourned the meeting at 11:15 p.m.