

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, April 6, 2009

A Regular Session of the Piedmont City Council was held April 6, 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 April 2, 2009.

- CALL TO ORDER** Vice Mayor Barbieri called the meeting to order at 7:35 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, Acting Police Chief John Hunt, Fire Chief John Speakman, Public Works Director Larry Rosenberg, City Planner Kate Black, Assistant Planner Kevin Jackson, Parks & Projects Manager Mark Feldkamp, City Clerk Ann Swift and Recording Secretary Chris Harbert
- CONSENT CALENDAR** The following items were considered under one vote by the Council:
- Minutes** Approves as submitted Council meeting minutes of March 16, 2009
- Transportation** Adopts the Resolution on file in the City Clerk's Office requesting Transportation Development Act – Article 3 (TDA) funding from the Metropolitan Transportation Commission and authorizes the Director of Public Works to execute all documents pertaining to the program
- Resolution 28-09**
RESOLVED, that the City Council adopts the consent calendar as noted.
Moved by Chiang, Seconded by Keating
Ayes: Barbieri, Chiang, Fujioka, Keating
Noes: None
Absent: Friedman
(0525)
- PUBLIC FORUM** Former Piedmont Planning Commission and School Board Member Tam Hege thanked the City and community for the outpouring of support in response to her son's tragic death. Mrs. Hege thanked the City for allowing the use of the Community Hall for a community memorial in recognition and appreciation of her son who was one of four Oakland Police Officers killed in the line of duty on March 21. She also thanked City staff members for their moving tributes to her son, Police Officer John Hege, who was a Piedmont native.
- REGULAR CALENDAR** The Council considered the following items of regular business:
- 211 Referral System** Jackie Ruggles, Deputy Director of Eden I & R, the agency which operates Alameda County's 211 health, human services and housing referral program, thanked the City for its past funding of this

communication system, described the types of programs and services offered to Alameda County/Piedmont residents through the 211 referral network and requested the City to continue its \$5,000 annual contribution to this program in FY 09-10. The Council informed Ms. Ruggles that this funding request will be considered during the Council's May 17 budget session. In advance of this consideration, the Council requested Eden I & R to provide the City with a spreadsheet charting Piedmont's call data by month so as to assess use trends as well as compare Piedmont usage with that countywide.

Crime Statistics

Acting Police Chief Hunt submitted Piedmont's crime statistics for the first quarter of 2009, noting that overall the City's crime rate is slightly lower than last year's rate for this period. The Acting Chief encouraged residents to visit the Department's website for additional crime statistic information as well as crime prevention tips.

General Plan Update

Barry Miller, the City's General Plan Update Consultant, highlighted the changes made to the City's General Plan in response to the first public hearing on the Plan update held March 2, 2009, as well as to revision requests submitted by Councilmembers, noting that these revisions have been incorporated into the document as an Addendum. Mr. Miller recommended that following tonight's second public hearing on the proposed Update, the Council adopt the General Plan Update.

The Vice Mayor opened the second public hearing on the Plan Update. There were no requests to speak and the public hearing was closed. A brief question and answer session between the Council and Mr. Miller followed, with the Council voicing its appreciation to all those involved in this extensive updating process.

Resolution 29-09

WHEREAS, the City of Piedmont has completed an update of its General Plan; and

WHEREAS, a General Plan Update is defined as a "project" under the California Environmental Quality Act and is thus subject to environmental review; and

WHEREAS Piedmont is a built-out city with no ability to annex land and very few opportunities for development or redevelopment; and

WHEREAS, the updated Piedmont General Plan proposes no significant changes to the City's land use or transportation maps, and forecasts fewer than 40 additional housing units and 30 additional jobs on scattered sites over a 20-year period, consistent with ABAG projections and the previous (1996) General Plan; and

WHEREAS, the proposed Piedmont General Plan includes numerous environmental protection policies that are absent in the existing (1996) General Plan; and

WHEREAS, the City completed an Initial Study of the proposed General Plan and determined that the potential for significant impacts could be mitigated; and

WHEREAS, CEQA does not require a detailed evaluation of all projects that could conceivably be developed consistent with General Plan policies but rather requires the City to conduct project-level environmental review for subsequent projects; and

WHEREAS, the City prepared a Mitigated Negative Declaration for the General Plan and delivered copies of the Initial Study-Mitigated Negative Declaration (IS-MND) to the State Clearinghouse and other interested parties and agencies on December 16, 2008; and

WHEREAS, the City provided public notice of the availability of the IS-MND for public review and posted copies of the document on its website for over 45 days; and

WHEREAS, the City responded to comments on the IS-MND and Plan made appropriate edits to both documents; and

WHEREAS, the Planning Commission and City Council each held two noticed public hearings on the General Plan and the Draft CEQA documents

WHEREAS, the IS-MND includes a mitigation monitoring program, pursuant to state law;

WHEREAS, the Planning Commission unanimously recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program at its meeting on February 9, 2009;

NOW THEREFORE BE IT RESOLVED that the City Council adopts the Piedmont General Plan Update Mitigated Negative Declaration and Mitigation Monitoring Program.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

(0165)

Resolution 30-09

WHEREAS, State law requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues; and

WHEREAS, the Piedmont General Plan was adopted in February 1996 and is now 13 years old; and

WHEREAS, the City Council authorized an update of the General Plan in 2007 to ensure that the Plan remained legally adequate and relevant; and

WHEREAS, the City has completed an almost two-year process of collecting and analyzing data about Piedmont, and preparing new General Plan text, goals, policies, actions, and maps; and

WHEREAS, the public has participated in this process through a community workshop, seven publicly noticed Planning Commission

work sessions, and a four-page resident survey returned by nearly one-third of all Piedmont households; and

WHEREAS, the proposed Plan reflects input from those who participated and incorporates current priorities and an updated vision for Piedmont; and

WHEREAS, the proposed Plan conforms to the provisions of the State Government Code for General Plans, as well as the most recent California General Plan Guidelines; and

WHEREAS, the City has completed state-mandated environmental review procedures for the project and has prepared a separate resolution for a Mitigated Negative Declaration; and

WHEREAS, the Planning Commission held public hearings on the Draft General Plan in January and February 2009; and

WHEREAS, the City Council held two public hearings on the Draft General Plan in March and April 2009; and

WHEREAS, a Plan Addendum has been prepared incorporating responses to comments from Planning Commissioners, Council members, residents, and other agencies on the Public Review Draft; and

WHEREAS, this Addendum is now incorporated by reference into the December 2008 Draft;

WHEREAS, the Planning Commission unanimously recommended adoption of the General Plan and Addendum on February 9, 2009;

NOW THEREFORE BE IT RESOLVED that the Piedmont City Council adopts the updated Piedmont General Plan, inclusive of the Plan Addendum.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

(0165)

**Bay-Friendly
Landscaping
Ordinance**

The Assistant Planner recommended first reading approval of Ordinance 687 N.S. amending the City Code to implement Bay-Friendly Landscaping regulations for City facilities. City adoption of the proposed Bay-Friendly Landscaping Ordinance is required by StopWaste.Org in order for the City to continue to receive Import Mitigation Grant Funds (approximately \$22,000 annually). The proposed ordinance applies only to City landscaping projects valued at \$100,000 or more, provides flexibility to the City Council to waive ordinance compliance in unusual circumstances and basically reflects current City practices with regard to the design and maintenance of City landscapes. The Park Commission on March 4 unanimously recommended Council adoption of the proposed ordinance.

Public testimony was received from:

Teresa Eade, Senior Program Manager of StopWaste.Org, responded to Council questions in outlining the goals and benefits of Alameda County agencies/municipalities instituting sustainable landscaping practices, noting in particular reductions in greenhouse gas emissions, water consumption and landfill deposits as well as increased energy conservation and protections of water/air quality and wildlife habitat. She added that sports fields and recreational areas are exempt from ordinance regulations, noted the absence of any penalties or fines for City failure to abide by Bay-Friendly practices and explained that ordinance adoption will allow the City to take advantage of professional resources offered free of charge by StopWaste.Org.

The Council supported ordinance adoption, agreeing that Bay-Friendly practices will not increase City landscaping costs, and in fact will reduce them. Ordinance adoption will also enable the City to continue to receive grant funding, allow the City to take advantage of professional resources offered by StopWaste.Org as well as provide the additional benefit of increasing water and energy conservation and decreasing greenhouse emissions and waste hauling and disposal costs. In addition, ordinance adoption may have the added benefit of encouraging residents to follow the City's example in employing sustainable landscape practices on their own properties.

The City Attorney requested that Section 17.11.10(a)(v) be amended as follows:

(v) Covered Project. "Covered Project" means (1) all new Building or Renovation projects that equal or exceed \$3 million in construction costs; and are either owned or occupied by the City or developed as a Public-Private Partnership; and (2) all new Landscaping projects or Renovations of Landscapes that equal or exceed \$100,000 in construction costs and are either owned or occupied by the City or developed as a Public-Private Partnership. (*language deleted*).

Resolution 31-09

RESOLVED, that the City Council approves the first reading of Ordinance 687, as amended herein, amending the City Code regarding Bay-Friendly landscaping regulations for City facilities, based upon the following findings:

1. The City finds that the design, construction, and maintenance of landscapes within the City can have a significant impact on the City's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers and visitors to the City;
2. The City finds, based on studies by StopWaste.Org, that plant debris from landscape construction, renovation and maintenance comprises 7% of the materials disposed in Alameda County landfills;
3. The City finds that Bay-Friendly landscape design, construction, operation and maintenance can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat and the health and

productively of a property's occupants over the life of the landscape;

4. The City finds that Bay-Friendly landscape design contributes to a reduction in greenhouse gas emissions, improves air quality and enhances urban sustainability;
5. The City finds that Bay-Friendly landscaping benefits are spread throughout the systems and features of the landscape, the larger SF Bay area ecosystem and the community. Bay-Friendly landscaping is a whole systems approach to the design, construction and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed. Key components of Bay-Friendly landscaping include reducing waste and using materials that contain recycled content; nurturing healthy soils while reducing fertilizer use; conserving water, energy and topsoil; using Integrated Pest Management to minimize chemical use; reducing stormwater runoff; and creating wildlife habitat;
6. The City finds that Bay-Friendly landscape design and construction decisions made by the City in the construction and remodeling of City landscapes can result in significant cost savings to the City over the life of the projects;
7. The City finds that it is critical to both the economic and environmental health of the City that the City provide leadership to both the private and public sectors in the area of Bay-Friendly landscaping;
8. The most immediate and meaningful way to provide leadership is to include Bay-Friendly landscaping elements in City projects and in projects built as public-private partnerships and to encourage private projects to include Bay-Friendly landscaping elements;
9. Bay-Friendly landscaping design, construction, operations and maintenance techniques are increasingly widespread in residential and commercial landscape construction;
10. In Alameda County, StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors by developing the Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guidelines for residents;
11. Requiring City projects and public-private partnership projects to incorporate Bay-Friendly Landscape Guidelines is necessary and appropriate to achieving the benefits of Bay-Friendly landscaping in the City.

Moved by Keating, Seconded by Chiang
Ayes: Barbieri, Chiang, Fujioka, Keating
Noes: None
Absent: Friedman
(0705)

**Greenhouse Gas
Emission Reduction
Target**

The Assistant Planner stated that as part of the development of the City's Climate Action Plan, the Council must set a greenhouse gas emissions reduction target. A target is necessary so that the Action Plan can contain appropriate implementation measures to meet this emissions reduction goal. Staff is proposing the following two-step process for setting the emissions reduction target:

1. Consider tonight's presentation from the City's Climate Action Plan Consultant, EDAW, as well accept public comment regarding this issue; and
2. On April 20, take action to determine an emissions reduction target based upon information from the City's consultant and public input.

Once an emissions reduction target has been set, the City's Consultant will prepare a preliminary draft Climate Action Plan which will then be reviewed by City staff and the City's Environmental Task Force. Based upon their comments, the City's Consultant will revise the draft as necessary and submit the draft for a 30-day public review period. During this review period, the Consultant will facilitate a Climate Action Community Forum. With input from the Community Forum, the Consultant will then prepare a final Climate Action Plan for Council review and adoption. It is anticipated that Plan adoption would occur by the end of July 2009 in accordance with the City's joint agreement with the City of Albany funding the preparation of the City's Climate Action Plan.

Jeff Henderson and Heather Phillips of EDAW, the City's Climate Action Plan Consultant, narrated a power-point presentation regarding the factors to consider when setting an emissions reduction target, the process for estimating an achievable reduction target and three target reduction options. The consultants emphasized that achieving any emission reduction target will require a high participation rate by City residents. Because of the built-out nature of the City and the absence of a commercial/industrial base, energy efficient improvements to Piedmont's older housing stock will be the primary way that greenhouse emissions can be reduced. It is anticipated that the City's Climate Action Plan will include financial incentives to encourage residents to increase energy efficiency through the installation and use of solar power technologies, home insulation upgrades and the replacement of old appliances and windows with new energy efficient ones. In addition to voluntary action, the City could consider requiring energy efficient upgrades during major renovations or when a property is sold.

Public testimony was received from:

Susan Ode of the City's Environmental Task Force stated that the Task Force has unanimously recommended that the Council set a 25% reduction target below 2005 baseline emissions by 2020. She noted many Alameda County cities have adopted such a target, stressed the importance that greenhouse gas emissions be reduced, noted that state and federal grant funding may be available to assist cities and homeowners in reducing greenhouse emissions and urged that a

coordinated regional approach toward greenhouse emissions reduction be pursued in accordance with StopWaste.Org and ABAG proposals.

George Childs voiced concern over possible Climate Action Plan implementation proposals that would establish motor vehicle emission standards for Piedmont residents and/or implement parking fees based on vehicle size. He requested more clarification as to what Piedmont homeowners would be required to do to increase energy efficiency.

The Council discussed target reduction options with the EDAW consultants, requesting that the following information be provided in advance of the April 20 meeting:

- Greenhouse gas emission reduction rates of other cities comparable to Piedmont and the reasons why these cities chose their particular reduction rate;
- How Piedmont's 2005 baseline rate was established, with information as to how Piedmont's current energy conservation rate compares with other cities;
- Submission of "model ordinances" adopted by other cities;
- Data to be used to determine a realistic expectation of Piedmont homeowners' level of participation, especially given the current difficult economic situation;
- Estimated homeowner "participation levels" required to meet each Plan Objective;
- The penalties, if any, if the City or homeowners fail to meet reduction targets;

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

Vice Mayor Barbieri announced that both appellants of 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 have once again requested in writing that their appeal hearings be continued. A previous continuance of Mr. & Mrs. Ben O'Neil's and Mr. & Mrs. Byron James' appeals was granted on March 16.

Resolution 32-09

RESOLVED, that the City Council continues to April 20, 2009, the appeal hearings pertaining to new home construction at 53 Cambrian Avenue.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman
(0080)

ANNOUNCEMENTS

Volunteer Reception & Betty C. Howard Awards – The Vice Mayor announced that the date of the City's annual recognition of City volunteers and Betty C. Howard Award recipients has been rescheduled to Wednesday, May 13 at 6:30 p.m. in the Community Hall.

20th Anniversary Celebration – The Vice Mayor thanked Mayor Friedman and former Mayor Valerie Matzger for hosting last week's reception in recognition of City Administrator's Geoff Grote's 20th anniversary as City Administrator.

ADJOURNMENT

There being no further business, Vice Mayor Barbieri adjourned the meeting at 9:50 p.m. in memory of Piedmont native and Oakland Police Officer John Hege, killed in the line of duty on March 21.