

# PIEDMONT CITY COUNCIL

## Regular Meeting Minutes for Monday, February 2, 2009

A Regular Session of the Piedmont City Council was held February 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 January 29, 2009.

### CALL TO ORDER

Following a 7:00 p.m. Closed Session regarding property owned by Mt. View Cemetery at 5000 Piedmont Avenue, Mayor Friedman called the meeting to order at 7:35 p.m. with the Pledge of Allegiance. He welcomed members of Boy Scout Troop 11 attending tonight's meeting in connection with their Citizenship in the Community Merit Badge.

### ROLL CALL

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

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

### CONSENT CALENDAR

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

#### Minutes

Approves as submitted Council meeting minutes of January 20, 2009

#### LAIF Report

Accepts the December 2008 Local Agency Investment Fund (LAIF) statement

#### Ordinance

Approves the second reading of Ordinance 684 N.S. mandating service levels for private ambulance providers in the City of Piedmont

#### Resolution 10-09

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

Moved by Chiang, Seconded by Keating

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0165; 0705)

*(Note: Mayor Friedman and Vice Mayor Barbieri abstained from the vote approving the January 20, 2009, Council Minutes)*

### PUBLIC FORUM

Ralph Catalano, Al Peters and Julie Watters spoke on behalf of the *Friends of Moraga Canyon* in voicing concern that since proponents of proposed field lighting and turf improvements at Coaches Playfield and the proposed sports complex development of Blair Park are providing funding for these developments, the Council not be pressured by this financial contribution to approve the developments without fully considering the concerns and objections of neighboring Moraga Canyon residents. In particular, Mr. Catalano relayed the group's intent to provide information refuting the claims of sports proponents that the proposed development projects are necessary because: (1) the

City can no longer meet the community's need for playing fields; (2) the improvements can be financed without an increase in Piedmont taxes or a deferral of other highly prioritized capital improvements; and (3) that Piedmont residents overwhelming support the proposed projects. He requested that Moraga Canyon neighborhoods be noticed of any meetings the City staff/Council hold with sports proponents and that these meetings be open to the public, confirmation be provided that the current CEQA study of the proposed projects is identical to the plans being proposed by sport group proponents and that as a part of the EIR process, informational meetings regarding project costs, benefits and trade-offs be held with Piedmont neighborhoods.

Steven Halverson, and his wife Tin Moe Thu, stressed the severe emotional and mental distress he has suffered following Mr. Halverson's September 5, 2008, encounter with a Piedmont police officer (described to the Council during the *Public Forum* on November 3, 2008). Mr. Halverson stated that he has rejected the City's offer to settle his claim for \$5,000, stressing that his recommended 2-year course of therapy is estimated to cost \$10,000. He advised the Council that he intends to file a lawsuit against the City unless his \$10,000 claim is approved.

## **REGULAR CALENDAR**

The Council considered the following items of regular business:

### **FY 08-09 Mid-Year Financial Report**

The City Administrator and Finance Director explained that because of the on-going economic crisis both on the national and state level, revenue for the first 6 months of FY 08-09 is significantly less than originally projected in the budget. Based upon further analysis, it is estimated that the City will have an operational deficit of approximately \$129,266 at the end of the fiscal year and an overall reduction in projected revenue of \$850,000. As a consequence of this unprecedented economic circumstance, the City Administrator proposed approximately \$151,690 in departmental expenditure reductions for the remainder of FY 08-09 so as to avoid any operational deficit situation and a deferral of approximately \$1.9 Million in approved CIP projects as an additional economic safety net. He noted that the proposed reductions retain the City's core services at existing levels. Operational cut-backs will be achieved through reductions in department non-essential spending.

**Public testimony** was received from:

George Childs supported the City Administrator's recommendations.

George Kersh supported the proposed expenditure reductions and suggested that cost savings also be realized by terminating the City's library contract with the City of Oakland, increasing Recreation Department fees, eliminating all consultant contracts, eliminating KCOM operations, mandating non-paid days off for City employees and reducing employee salaries and benefits.

The Council engaged in a lengthy question and answer session with the Finance Director and City Administrator regarding expenditures, revenues, CIP deferrals and other budget related issues. The Council supported the proposed reductions recommended by the City Administrator in concept, directing that good judgment be used to

insure that reductions in employee trainings/meetings do not negatively impact the employees' abilities to safely and efficiently perform their duties. In addition, the Council requested that the Finance Director provide monthly updates to the Council on the status of the City budget, propose a target goal of a 15% General Fund Reserve for the FY 09-10 budget and provide sub-object descriptions for all departments to the Council. With regard to the proposed CIP deferral of the City Hall Basement Renovation Project, Councilmember Chiang suggested that a preliminary assessment of the basement walls be conducted to determine their actual condition and whether the proposed project funding level is appropriate.

**Resolution 11-09**

RESOLVED, that the City Council accepts the 2008-09 Mid-Year Fiscal Report.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0165)

**FY 08-09 Mid-Year  
Budget Adjustments**

The City Administrator requested a \$6,400 mid-year appropriation to cover consultant staffing costs for the City's Environmental Task Force for the remainder of the fiscal year. The Council supported the request, agreeing that Mr. Barry Miller's services to the Task Force are very worthwhile and the requested appropriation will be absorbed by the Administrator's proposed \$151,690 expenditure reductions so as to avoid any operational deficit for FY 08-09.

**Resolution 12-09**

RESOLVED, that the City Council approves the mid-year appropriation request of \$6,400 to cover the costs of Environmental Task Force Consultant Barry Miller.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0165)

**Highland Way  
Bus Shelter**

The City Administrator recommended that the City make a one-time payment of \$7,038 to the Piedmont Community Church to cover irrigation costs associated with the new bus shelter for the next 50 years. The Administrator noted that under the agreement with the Church for the installation of the bus shelter on Church property, the City agreed to maintain the landscaping surrounding the shelter. While drought tolerant landscaping will be installed, some irrigation will still be necessary. Options for installing a new City water meter at the site or connecting to existing City water meters in Piedmont Park were explored, but it was determined that it was more cost effective and practical to use the Church's existing irrigation system. The \$7,038 figure was calculated based upon an annualized cost of \$300 at 3.5% interest over the 50-year period.

Vice Mayor Barbieri and Councilmember Chiang announced that they are members of the Piedmont Community Church and as such would recuse themselves from discussion and action on this item. They then

left the chambers. The remaining Councilmembers supported the recommendation, adding that the \$7,038 appropriation would be off-set by the \$151,000+ cost savings proposed by the City Administrator so that the City will not incur an operational deficit for FY 08-09.

**Resolution 13-09**

RESOLVED, that the City Council approves the proposed Amendment to Use Agreement with Piedmont Community Church paying the sum of \$7,038 for irrigation costs related to the City bus shelter on Highland Way.

Moved by Fujioka, Seconded by Keating

Ayes: Friedman, Fujioka, Keating

Noes: None

Recused: Barbieri, Chiang

(0045)

Following the return of Vice Mayor Barbieri and Councilmember Chiang, the Vice Mayor stated his belief that their recusal was not necessary and that no *conflict of interest* is involved since neither himself nor Councilmember Chiang have any financial interest in the church. The Mayor agreed, requesting that the City Attorney provide a legal opinion on this matter at the next meeting. The Council agreed that tonight's recusal was taken on the side of caution since the City Attorney was not present to provide an opinion but that tonight's recusal did not set a precedent in this matter.

**ANNOUNCEMENTS**

Lunar New Year Celebration – The Mayor encouraged residents to attend the February 7 “Lunar New Year” celebration sponsored by the Piedmont Asian-American Club, stressing that it is a great family event.

Beach School Dad's Club – Councilmember Keating announced that the Beach School Dad's Club is sponsoring its annual *Jazz Night* fundraiser on February 7<sup>th</sup> at the Community Hall. The public is invited to attend.

Wildwood School Dad's Club – Councilmember Chiang announced that the Wildwood Dad's Club is sponsoring its annual *Crab Feed* fundraiser on February 7<sup>th</sup>. The public is invited to attend.

**ADJOURNMENT**

There being no further business, Mayor Friedman adjourned the meeting at 9:30 p.m.