

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, January 4, 2010

A Regular Session of the Piedmont City Council was held January 4, 2010, 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 December 30, 2009.

CALL TO ORDER

Following a 7:00 p.m. Closed Session regarding the matter of Kurtin v. Piedmont held pursuant to Government Code Section 54956.9(a), Mayor Friedman called the meeting to order at 7:45 p.m. with the pledge of allegiance.

ROLL CALL

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

Absent: Councilmember Margaret Fujioka

Staff: City Administrator Geoff Grote, City Attorney George Peyton, 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 December 7 and 12, 2009

Resolution 1-10

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

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: Fujioka

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following items of regular business:

Planning Fee Reduction Request

Project Architect John Malick, on behalf of his clients Erich and Shelby Tupper, requested that the new house design review application fee of \$3,540 be reduced for the third submittal of plans for proposed construction at 4 Lexford Road. He stated that the two former Planning Commission considerations of the project have reduced areas of remaining concern to essentially the location and design of a 1-car garage – the Planning Commission has indicated that the pool and house design components of the plan are acceptable. He felt it unreasonable for the City to require a full “new house” design application fee for the review of a small, one-car garage. He noted that to-date his clients have already paid two application fees of \$3,540 each to cover the processing of this project.

The City Planner agreed that if the upcoming third submittal for the Lexford project contains no significant changes to elements of the plan already reviewed and deemed acceptable to the Commission, staff time

and resources required to process this third application are likely to be much less than a standard “new house” design review application. She recommended that Mr. Malick’s fee reduction request be deferred until staff has the opportunity to determine the appropriate amount of City resources required to process the application. The Council agreed.

Resolution 2-10

RESOLVED, that the City Council authorizes staff discretion to determine an appropriate application fee amount to cover staff processing of Mr. and Mrs. Erich Tupper’s third design review application submittal of plans for proposed construction at 4 Lexford Road.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: Fujioka

(1105)

State Energy Program

The City Planner recommended Council authorization for the City to apply for California State Energy Program (SEP) grant funding. The Planner stated that if the City authorizes Sacramento County and the Association of Bay Area Governments to act as lead applicants, respectively, for municipal financing and residential building retrofit grants, the City will save approximately \$10,000 in set-up and validation costs to participate in the CaliforniaFIRST program. The Council approved the City’s participation in the CaliforniaFIRST program on December 7, 2009 (Resolution 98-09).

Public testimony was received from:

George Childs voiced objection to the spending of state and county taxpayer money during the current economic climate.

Resolution 3-10

RESOLVED, that the City Council adopts the resolutions on file in the City Clerk’s Office authorizing Sacramento County and the Association of Bay Area Governments, respectively, to act on behalf of the City of Piedmont as Lead Applicant for a State Energy Program Grant for a Municipal Financing Program (SEP-1) and for a Comprehensive Residential Building Retrofit Program (SEP-2).

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: Fujioka

(0045)

Environmental Task Force Final Report

Environmental Task Force Chair Teddy King presented the Task Force’s fourth and final report fulfilling its charge to propose recommendations for increasing recycling and solid waste diversion, reducing the City’s energy consumption and educating and encouraging residents to voluntarily to pursue energy conservation. She briefly reviewed the 35 recommendations contained in the report and thanked the members of her Task Force as well as City staff and ETF consultant Barry Miller for their invaluable efforts and assistance in developing the four reports over the last 18-month examination period.

Correspondence was received from: Bob Russell, Dec. 31

Public testimony was received from:

George Childs acknowledged several worthwhile recommendations in the report but opposed the hiring of any additional City staff to implement the proposed recommendations.

Judy Kelly congratulated the Task Force on its outstanding effort and reports and voiced strong support for the report's recommendation that a sustainability coordinator be hired to initiate many of the report's recommendations. She also voiced support for the report's recommendations to ban the use of plastic bags in Piedmont and to place large scale rain barrels in various locations in the City.

Elizabeth Schultz urged the Council to pursue incentives rather than mandates to implement conservation recommendations, establish a non-profit, voluntary "green savings" committee to initiate implementation and public outreach activities rather than hire a sustainability coordinator and voiced opposition to the report's recommendation that the City adopt a zero waste goal, believing that such a goal is unrealistic and unattainable.

Several PHS students encouraged the use of the City's website and other modern technologies to reach and educate residents regarding conservation, cautioned against pursuing conservation recommendations that would impose significant costs on the City or residents and suggested that transportation energy savings could be realized if a central bus stop for students was designated rather than having school buses travel throughout the City.

The Council thanked Mrs. King and her Task Force for their tremendous effort and professional series of reports. The Mayor requested that Mrs. King make a similar final report presentation to the Piedmont School Board since many of the report's recommendations are applicable to school district property and operations.

The Council then categorized the report's recommendations as follows: those recommendations to be pursued by staff (some of which are already on-going); those to be pursued by a sustainability coordinator should such a position be created and those recommendations that will not be considered for implementation. The Council voiced its support in concept for a sustainability coordinator to assist in implementing the report's recommendations. However, the Council stressed that no City funding for such a position is available. The Council requested staff to explore the possibility of obtaining grant funding to hire someone on a part-time or short-term basis to initiate program implementation.

Staff

- #2 *Energy and Water Audit*
- #3 *Focus on the Basics to Reduce Energy Bills*
- #6 *CFL Bulb Recycling* – if the Fire Department can incorporate the collection and recycling of these materials into its current battery recycling program

- #7 *Gas-Powered Leaf Blowers* – forward recommendation to the police department for enforcement. Also, during the next

contract negotiations with the City's landscape contractor
discuss ways for reducing or eliminating, where practical, the
use of gas blowers by contract and City park crews

- #8 *Bay Friendly Landscaping*
- #9 *Consider Reduced Permit Fees for Renewable Energy Projects* – discuss the fiscal impact of fee reductions/waivers during the upcoming budgetary process
- #10 *Participation in the Countywide Voluntary Renewable Energy Assessment District* – City has authorized participation in the CaliforniaFIRST Program.
- #11 *Adopt a Special Event Recycling Ordinance*
- #17 *Acquire and Install Recycling Receptacle Stations in Public Places*
- #18 *Consider Retrofits in City Hall and Other City Buildings to Reduce Energy Use*
- #19 *Promote Installation of Solar Panels on Renovated or New City Facilities*
- #20 *Utilize Energy-Efficient Lighting when City Streetlights are Replaced or when New Streetlights are Installed*
- #21 *Replace the Incandescent Bulbs in the Oakland Avenue Bridge “Necklace” with Cold Cathode Bulbs* – explore costs
- #25 *Replace Gasoline Powered Cars with Hybrids or Electric Vehicles as the City Fleet is Replaced* – when appropriate and cost effective
- #26 *Promote the #11 Bus as Piedmont's BART Shuttle* – list AC Transit bus routes on the City's website

Sustainability Coordinator

- #5 *Implement a Piedmont Compost Sale/Give-Away Program*
- #9 *Consider Reduced Permit Fees for Renewable Energy Projects*
- #11 *Adopt a Special Event Recycling Ordinance*
- #14 *Consider Increasing the City's 2020 Greenhouse Gas Reduction Target*
- #16 *Phase-In an Environmentally Preferable Purchasing Policy for the City, Setting a Threshold for Acceptable Cost Impacts*
- #19 *Solar Heating of Municipal Facilities* – work with the School District
- #22 *Study the Feasibility of Alternative Water Sources to Reduce the use of Potable Water for City Park and Median Irrigation*
- #23 *Consider Replacing Paper Towel Dispensers with Electric Hand Dryers in Restrooms at Public Buildings*

- #24 *Apply for Grants to Cover Recycling and Energy Conservation Capital Costs*
- #26 *Promote the #11 Bus as Piedmont's BART Shuttle*
- #27 *Initiate a "Safe Routes to School" Program to Encourage Walking and Bicycling to School – work with the School District*
- #28 *Continue to Support Appropriate "Best Practices" for Transportation to Reduce Greenhouse Gas Emissions*
- #28 **(Numbering Error in Report)** *Upgrade Piedmont's Website, Including a Dedicated "Green Page"*
- #29 *Use Traditional Media, such as Television & Newspapers, to Increase Awareness of Environmental Issues, Particularly Waste Prevention and Reduction*
- #30 *Coordinate Closely with the Piedmont Unified School District*
- #31 *Continue Focused Education & Outreach on Waste Reduction, Especially Food Scrap Recycling*
- #32 *Extend the City's Outreach Efforts to Private Schools & Businesses, Including Contractors and Gardeners*
- #33 *Work with PG&E and EBMUD to Distribute Energy & Water Conservation Information through the Website, City Fairs & Festivals and Other City Outlets*
- #34 *Recognize Resident Efforts through an Environmental Honor Roll and Awards Program*
- #35 *Consider (or co-sponsor) Contests, Tours and Lecture Series which Encourage Greener Living*

Not To Be Pursued

- #4 *Participate in the Climate Smart Program – imposes utility surcharge costs on residents and the City would not receive any greenhouse gas reduction credits for program participation*
- #12 *Zero Waste Goal Adoption – unrealistic at this time. However, the Council voiced support for a policy statement in support of working toward zero waste without any specific deadline.*
- #13 *Product Stewardship Advocacy – more appropriate for consumers and recyclers to encourage businesses to reduce non-recyclable waste.*
- #15 *Plastic Bag Ordinance – imposes costs on Piedmont businesses. Should be an individual business decision*

Resolution 4-10

RESOLVED, that the City Council accepts the Final Report of the Environmental Task Force.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: Fujioka
(0459)

Climate Action Plan

Jeff Henderson of AECOM (formerly EDAW) the City's Climate Action Plan Consultant narrated a power point presentation summarizing the contents of the proposed Draft Climate Action Plan, developed over the last 18 months. The Assistant Planner highlighted the chronological history of plan development and public input, referencing in particular that a Notice and Initial Study/Negative Declaration as well the Draft Climate Action Plan have been prepared and available for public review in accordance with CEQA requirements.

Correspondence was received from: Ad Brugger; Kathleen Quenneville & Diane Allen; Joe Hurwich; John Nady; Jim Bert; William & Elizabeth Schultz

Public testimony was received from:

George Childs stressed that the sentiment of Piedmont residents is overwhelmingly in support voluntary or incentive based energy conservation measures -- not mandatory energy conservation requirements. He urged the Council to scrutinize the proposed plan to eliminate those implementation measures and actions that are mandatory, impractical or inappropriate for Piedmont.

Walter Schey urged the Council to reject the proposed draft, suggesting that it be significantly revised so as to require no more than what the state currently requires relating to energy conservation

Judy Kelly and Shelby Solomon voiced support for plan adoption, with Mr. Solomon urging that the School District be included and that a joint emission reduction target be established covering both entities.

Susan Ode also supported plan adoption, encouraging the Council to consider increasing the current greenhouse emissions reduction target of 15% since it is highly likely that Piedmont can easily achieve a higher emission reduction.

Larry Kelley opposed the proposed plan, believing that it was an assault of private property rights and unnecessary since there is no legitimate scientific evidence that greenhouse gas emissions are causing climate change.

Elizabeth Schultz voiced several concerns over the proposed draft, including the inappropriateness of including mandatory implementation measures, the failure of the draft to reflect Council direction for strictly voluntary and incentive based proposals and the potential that plan implementation will prove very costly to residents. She also specifically suggested that the word *requirement* in the plan be substituted with the phrase "require or facilitate." She also requested that the City's Audit Committee review the City's contract performance related to the Climate Action Plan consultant in connection with its upcoming review of City contractual policies, procedures and supervision.

The Council reviewed the proposed draft at length, requesting that the following information and/or plan amendments be provided prior to the Council's next consideration of the draft Plan:

- Consider the use of language suggested by Mrs. Schultz;
- Revise the introduction to provide an executive summary with related statistical data included in a referenced appendix;
- Prefix the phrase *Council may consider* with the words "if necessary" when referencing potential future actions;
- Eliminate politically charged rhetoric related to "climate change" – do not advocate a climate change position;
- Eliminate the mandatory point of sale requirement for commercial property;
- Define substantial renovation;
- Provide more information regarding bicycle related proposals, including practicality and costs;
- Provide more information regarding proposals that indicate a "yes" for private costs. Clarify whether these costs are being voluntarily incurred by residents or are being imposed by the City;
- Delete the reference to the plastic bag ordinance;
- Provide information regarding the self-financing strategy which indicated a tiered residential parking fee based on vehicle size;
- Preserve City flexibility in the Plan by using more general language such as: "The Council will consider other actions that may be required if it become necessary to insure that the City ultimately meets its reduction goals;"
- Calculate all City costs contained in the Plan into one total cost estimate

In addition, Councilmembers Chiang and Keating noted that they would e-mail additional requests for information and/or Plan amendments to staff.

ANNOUNCEMENTS

Public Safety Services – The Mayor relayed Councilmember Fujioka's request that the Council consider appointing a committee to provide community input regarding public safety services. The Mayor requested staff to prepare a proposal and specific charge for such a committee for Council consideration.

Piedmont Hills Utility Undergrounding Project – The City Administrator stated that work is proceeding on schedule and within budget with regard to completing the utility undergrounding trenching in the Piedmont Hills Assessment District.

ADJOURNMENT

There being no further regular agenda business, Mayor Friedman adjourned the Council to Closed Session at 11:05 p.m. for the purpose of City Administrator performance evaluation held pursuant to Government Code Section 54957.