

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 15, 2010

A Regular Session of the Piedmont City Council was held November 15, 2010, in the Veterans Memorial Building at 401 Highland Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on November 10, 2010.

CALL TO ORDER Following a 6:30 p.m. Closed Session regarding labor negotiations, possible initiation of litigation and lease of City property at 777 Magnolia Avenue, held pursuant to Government Code Sections 54957.6, 54956.9(c) and 54956.8, respectively, Mayor Barbieri called the meeting to order at 7:35 p.m. with the Pledge of Allegiance.

ROLL CALL Present: Mayor Dean Barbieri, Vice Mayor John Chiang and Councilmembers Margaret Fujioka and Garrett Keating

Absent: Councilmember Jeff Wieler

Staff: City Administrator Geoff Grote, City Attorney Tom Curry, Recreation Director Mark Delventhal, City Planner Kate Black, Interim City Clerk John Tulloch 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 November 1, 2010

Ordinance Approves the second reading of Ordinance 695 N.S. amending Chapter 17F of the Municipal Code regarding real property disclosure statements

Resolution 96-10

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

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Wieler

(0705)

PUBLIC FORUM Alexander Magganas requested the Council to conduct a comprehensive evaluation of all City owned common facilities and open space properties.

Rick Schiller inquired as to the focus of tonight's hearing on the Moraga Canyon Sports Fields Project.

REGULAR CALENDAR The Council considered the following items of regular business:

Public Hearing: Moraga Canyon Sports In accordance with California Environmental Quality Act provisions, the Recreation Director recommended that the Council conduct a public hearing

**Fields Project EIR
Response to Comments**

for the preliminary review of the formal certification of the Moraga Canyon Sports Fields Project Environmental Impact Report and the Response to Comments document. The Director briefly summarized the history of the two projects (Blair Park Sports Field Complex and Coaches Playfield Synthetic Turf and Lighting) which were consolidated into one project for purposes of the preparation of a full EIR. The Draft EIR was released for public review and comment as to its adequacy, completeness, accuracy and validity of recommendations and conclusions on June 18. The 796 page Response to Comment document prepared at the conclusion of the public comment period was released to the public on November 5. Per a previously agreed upon and published Council timetable for document review and consideration of EIR certification, public hearings on this documentation have been scheduled for tonight and December 6.

Correspondence was received from: Therese Franklin & Robert Blagden; Neil Teixeira; Rebecca Sternberg; Karen Cutler; Tom & Kay Logan; Lynn Dee; Christy VanSlyke; Len Gilbert; John Holmgren.

Public testimony was received from:

Jessica Berg, Claudia Harrison, Chris Lalli and Doug Biehn, spokespersons representing Piedmont elementary school children in support of project approval, as well as several elementary school students who also spoke, urged Council certification of the EIR and approval of the Moraga Canyon Sports Fields Project. They emphasized the shortage of sports fields in Piedmont to accommodate the demand for youth sports, the benefits to Piedmont families and children if the project is approved, the convenience to children and parents to be able to walk or bike to sport practices and games rather than having to drive out of town for such activities and the health benefits associated with outdoor recreational activities and sports for children. Mr. Lalli added his belief that since there are no significant traffic problems associated with sport activities at nearby Coaches Playfield, the same outcome can be expected if the Blair Park project is constructed. Mr. Biehn, who lives near Witter Field, stated that he does not find that field activity noise at Witter is disturbing.

Andrew Stauch, a Piedmont Middle School student and spokesperson for classmates supporting project approval, emphasized the tremendous need for more field space to accommodate the practice and game requirements of a variety of sports programs in Piedmont. He stressed the burden and inconvenience on parents, coaches and students who currently must travel outside of the City in order to play sports as well as the benefits of reducing the air pollution and gasoline consumption associated with this out of town travel. He stated that Piedmont sports access to fields in Alameda will soon end and there is a critical need to replace this lost field access so that all Piedmont children who wish to play sports can continue to do so. He also felt that Blair Park is not currently useful or utilized and the proposed development will benefit the community at large.

Piedmont High School students Cole Nixsen, Eva Poon, Willi Bassett, Jake Adams, Anna Schiller, Danielle Brown, Jack Walters and Molly McCallister all voiced support for proposal approval, stressing the benefits in terms of convenience and less vehicle travel and pollution associated with Piedmont field use, the fact that the proposal will enhance the community aspect of living in Piedmont, creating more sports field space for younger kids to practice and play will improve the skill level and competitiveness of high school sports programs, and the fact that high school rugby and lacrosse teams would benefit from having more in-town fields on which to practice their sports.

PHS student Jenna Wilk opposed the proposed sports development of Blair Park, preferring that the park's natural habitat be preserved.

Audrey Holt opposed the proposed Blair Park development, believing that the site is unsuitable for the proposed project. She also felt that the *Response to Comments* 3.9.1 (Canyon effect noise) was inadequate, disagreeing with the finding that there would be no measurable canyon effect increase on sound. She stressed that Witter Field noise generation is different than Blair Park because Witter is not located within a canyon. She stated that she can hear Moraga Avenue traffic noise reverberate around the canyon, stressed that sound amplification does echo throughout the canyon and felt that the proposed mitigation measure of landscaping to mitigate this sound impact is inadequate.

Alain Knechtli supported the proposed sports development project in Blair Park, stating that an in-town field would decrease the current amount of teenage driving to out of town sports fields, thus decreasing air pollution and reducing the potential safety hazards associated with teen drivers.

Ray Catalano requested the Council to table action on the EIR since the project as originally proposed has been modified by plan proponents, the EIR no longer reflects the current proposal, the EIR was drafted to defend the originally proposed development and proceeding will acerbate the already hard feelings within the community regarding this development proposal. He urged the Council to spearhead the creation of a new development proposal for Blair Park that will involve all interested residents, not just those from the sports groups.

William Blackwell cited the benefits of an alternative design proposal for Blair Park that he has put forward, believing that his plan would mitigate many of the adverse impacts cited in the EIR associated with the current proposal. He also felt that the proponents revised plan would fail to fully satisfy the needs of Piedmont's soccer groups and thus would have minimal overall benefit at a great cost to the community at large.

Al Peters urged that the Council appoint a citizens committee to formulate a new development proposal for Blair Park, stressing the importance that all interested Piedmonters be given an opportunity to be involved in project design and that the process be open and transparent. He felt that the current proposal should be rejected because of the many unresolved and controversial issues associated with pedestrian/traffic safety, noise, lighting and turf and the fact that a

significant modification of the current plan would be required before mutual consensus between opponents and proponents could be achieved.

Marjorie Blackwell felt that the Response to Comments documentation failed to adequately respond to her comments regarding the project's non-compliance with the City's General Plan land use policies related to natural terrain, open space and view and tree preservation. She felt that the current development proposal for Blair Park was inappropriate for the site and that a new effort should be made focusing on improving the area as a park, with a small playfield, preserving as much as possible the existing natural habitat and topography of the site.

Nicholas Stamatakis felt that the proposed "gift" of this project to the City was in reality a *Trojan Horse* which could prove to be a significant liability risk to the City if a serious pedestrian accident occurs. He also felt that better alternative designs and sites for sports field development exist that would have less adverse impact on the Moraga Canyon neighborhoods.

Susan Kahn felt that the Response to Comments documentation failed to adequately address her concerns/comments related to peak traffic volume assessment in connection with cars exiting the project's parking lots. She felt that the Response reflected non-sensible conclusions and a too simplistic analysis of driver behavior patterns.

Eric Havian stated that the proposed Blair development has been modified through use restrictions to mitigate neighborhood impacts related to noise, traffic and parking. In addition, an area of originally proposed artificial turf has been replaced with natural grass to make this area suitable for picnics and general park use on weekends. He emphasized that the EIR is intended to evaluate the project's potential maximum impact and the role of the City after the EIR is certified is to consider a full range of options for lessening this impact. He also challenged opponents to provide a list of alternative field sites, stressing that for years sports groups have pursued alternative locations with little success, adding that the EIR has also determined that no feasible alternative sites exist. He urged Council certification of the EIR.

Glyn Burge cited the numerous sites within Piedmont wherein open space has been successfully transformed into playfields. He too urged certification of the EIR.

Glen Van Strantum, Jack London Soccer League Official, underscored the fact that many cities are desperately seeking additional field space with little success and great difficulty. He felt that the proposed Blair Park project presented a wonderful opportunity to serve Piedmont's very high number of sport participants.

Karen Sullivan, Heather Ruegg, Steve Collins, Steve Hollis, M.J. Dodds, Ken Meyersieck and Mark Landheer all supported EIR certification, stressing the acute shortage of field space to meet the community's youth sport demand and

the inability over the years to find alternative field sites to satisfy this need. They felt that the proposed project will improve the usability of Blair Park in serving the community's park and field needs by transforming a currently unkept and unused property into a community/family asset.

Kirit Shah supported the Blair Park proposal, believing that the project will enhance the usability of the park for the community at large, reduce the current high fire danger on the property, provide a safe and secure walkway along this portion of Moraga Avenue, offer a potential staging site in the case of a major disaster or emergency and generate potential revenue for the City from community events/activities held on the site. He believed that the benefits of the proposed development outweighed the disadvantages.

Mark Thompson supported project approval, stressing that field rental costs for sports groups have become exorbitant over recent years because field access has become harder and harder to obtain.

Nancy Kent and Patrick Bukoloski supported project approval, stressing that sports and recreational activities for children promote healthy lifestyles and are important community assets for Piedmont families.

Rick Schiller felt that the Response to Comments completely failed to acknowledge and address his comments on the EIR with regard to police services and the use of field space by outside groups on Sundays. He urged that the project be rejected because it puts children safety at risk and erodes the quality of life for neighboring residents. He felt that the project's massive retaining walls would have a detrimental impact on the aesthetics of the area and Blair Park's topography is unsuitable for the creation of a level sports field.

Alexander Magganas repeated his *public forum* request that the Council undertake a comprehensive evaluation of the City's remaining open space. He opposed the Moraga Canyon Sports Fields Project and requested the Council to reject the EIR.

Clarence Mamuyac emphasized that the EIR is intended to test the maximum impact of the proposed project description and that the original proposal has been modified by project proponents to be less intensive and more conducive for enjoyment by all segments of the community--not just sports groups. He relayed project proponents' eagerness to work with opponents in finalizing the project's design.

Sonny Bostrom suggested that consideration be given to purchasing the large estate property at the corner of Sea View and Farragut, demolishing the mansion and constructing a playfield on this level site.

Steven Schiller urged Council certification of the EIR, noting the already lengthy and exhaustive process expended in developing and examining this project. He agreed with Mr. Mamuyac that project proponents look forward to

working with the community in finalizing the design and urged the Council to accept this gift which will benefit all segments of the community.

Mark Becker voiced support for project approval, convinced that the final project design put forth by the architect will be attractive and mindful of impacts on the surrounding neighborhoods.

Malcolm Sproul, Managing Partner of LSA and Associates, the City's consultant who prepared the Draft EIR, responded to Council questions concerning the adequacy of the Response to Comment documentation and Draft EIR. While he felt that the documentation fully addressed received comments, he agreed to review tonight's meeting recording to make sure. He also believed that the Final Environmental Impact Report which incorporates revised changes to the Draft's text as well as the Response to Comment documentation is worthy of certification by the City Council. In preparation for the next scheduled meeting on the EIR and Response to Comments, Councilmembers Keating and Fujioka requested Mr. Sproul to submit a report: (1) responding to remarks made by some of tonight's speakers that the Response to Comments failed to adequately respond to their concerns and comments; (2) providing more detailed analysis assessing potential scenarios that non-scheduled use of the Moraga Canyon Sports Fields could impose greater impacts than scheduled use; and (3) expounding on the potential impacts the proposed Blair Park development would have on wildlife migration patterns.

**Dates of Future
Public Hearings on
the Moraga Canyon
Sports Fields Project
Draft EIR/Response
to Comments**

The City Administrator stated that per a previous Council decision, the next public hearing on the Draft EIR and Response to Comments is scheduled for Monday, December 6 at which time the Council will also consider the formal certification of the Moraga Canyon Sports Fields Project Final Environmental Impact Report. However, the Council has received requests from Lynn & Stephen Dee, Michele Gajda, Marjorie Blackwell and Paulette Traverso that this second public hearing be rescheduled to a later date in order to allow more time for residents to review the documentation prior to certification consideration. The City Administrator noted that postponing the hearing to: (1) December 20 would be contrary to the Council's long-standing policy of not scheduling consideration of major issues during school vacation periods; and (2) rescheduling the hearing to January 3 would also take place during the last day of the school holiday recess; however, it is likely that by this time most residents would be back in town following the holiday season. The Administrator recommended that the Council adhere to its previously publicized date of December 6 for the second hearing, emphasizing that the Council retains the option at that meeting to schedule a third meeting for certification consideration if it deems an additional meeting is warranted. The Administrator also referenced a legal opinion from special legal counsel Harold Freiman outlining various options for proceeding with this project proposal once the EIR has been certified, agreeing to make this information available to the public.

Public testimony was received from:

Clarence Mamuyac, Eric Havian, Steven Schiller and Jessica Berg all urged that the Council adhere to the publicized timetable for EIR review and certification consideration, believing that the request for postponement is nothing more than a delaying tactic by project opponents to make the process more time consuming and costly for proponents. They felt that there has been and remains adequate time for residents to thoroughly review and evaluate the EIR documentation by the agreed upon December 6 date. They also emphasized that EIR certification is just one step in the lengthy process of project review. There will be ample opportunity for resident input as the details of the final design are worked out and evaluated in connection with public hearings before various City commissions and ultimately the City Council.

Ray Catalano, Marjorie Blackwell and Rick Schiller supported postponement of the hearing process to enable more time for a mutually agreeable solution for Blair Park development to be achieved and evaluated in the Final EIR documentation. Mrs. Blackwell added her belief that tonight's hearing failed to provide an opportunity for serious discussion of the project and EIR documentation.

The Council was divided in its support for adhering to the previously agreed upon timetable. Councilmembers Fujioka and Keating supported retaining the December 6 date for continuing the discussion of the Draft EIR and Response to Comments but preferred that EIR certification consideration be postponed to January 3. The Mayor and Vice Mayor felt that no new issues have been raised to justify extending the consideration of EIR certification; acknowledging, however, that if new issues/information are presented at the December 6 meeting, the Council retains the option of continuing EIR certification consideration to next January.

Resolution 97-10

RESOLVED, that the City Council retains the December 6, 2010, date for the second public hearing on the Moraga Canyon Sports Fields Project Draft EIR and Response to Comments documentation but schedules January 3, 2011, as the date for Council consideration of the formal certification of the project's Final Environmental Impact Report.

Moved by Keating, Seconded by Fujioka

Ayes: Fujioka, Keating

Noes: Barbieri, Chiang

Absent: Wieler

MOTION FAILED

ANNOUNCEMENTS

Turkey Trot -- the Vice Mayor encouraged residents to participate in the annual Thanksgiving morning *Turkey Trot* fundraiser benefitting the high school cross-country track team.

Paratransit Advisory Committee -- the Vice Mayor encouraged interested residents to contact him regarding appointment to the Alameda County Transportation Commission's Paratransit Advisory Planning Committee.

Public Safety Committee -- Councilmember Fujioka encouraged residents to enroll in the Police Department's E-Mail Alert Program. Information regarding this program is available on the City's website.

ADJOURNMENT

There being no further business, Mayor Barbieri adjourned the meeting at 10:20 p.m.