

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, October 18, 2010

A Special Session of the Piedmont City Council was held with the Piedmont Planning Commission on October 18, 2010, in the EOC at 403 Highland Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on October 14, 2010.

CALL TO ORDER

Mayor Barbieri called the special session to order at 5:35 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Planning Commission: Commissioners Jonathan Levine, Jim Kellogg, Melanie Robertson, Bobbe Stehr and Alternate Commissioner Michael Henn

Absent: Commissioner Clark Thiel

Staff: City Administrator Geoff Grote, City Attorney Tom Curry, City Planner Kate Black, Assistant Planner Kevin Jackson, Interim City Clerk John Tulloch and Recording Secretary Chris Harbert

PUBLIC FORUM

There were no speakers for the public forum.

SPECIAL SESSION

The City Planner stated that the purpose of the special session is to provide the City Council and Planning Commission with the opportunity to jointly discuss planning issues related to view impacts associated with upper level construction projects and variances.

During discussion, staff was requested to prepare revisions to the City's Zoning Code and Design Review Guidelines to reflect the following consensus:

View Issues:

- Priority consideration shall be given to views from primary living spaces, either indoor or outdoor, over views from secondary spaces;
- A loss or impact to a neighbor's only view is more important than a loss of a portion of a neighbor's panoramic view seen from multiple spaces;
- A view of a distinct architectural/historic structure or landmark (e.g. Golden Gate Bridge) has more significance than a general view of topography or buildings;
- Incorporate into the Design Review Guidelines the following concepts contained in Paragraph #3 of the staff report:

- (i) greater weight is given to the concerns expressed by immediately adjacent neighbors than to those further away;
 - (ii) views from primary living spaces (living rooms, dining rooms, kitchens, family rooms) are considered to be more important than secondary spaces (halls, walkways, bathrooms)
- Preserve Commission flexibility in evaluating on a case-by-case basis the appropriateness of proposed construction as it relates to views

Public testimony was received from:

Eric Manou, a designer/builder with a project that was denied last week by the Planning Commission, voiced his frustration with the City's planning process and the difficulty designers/contractors encounter when an objecting neighbor refuses to cooperate or compromise. While the Commission/Council stated that it could not comment on Mr. Manou's project's directly, it did clarify that while developers are strongly encouraged to work with neighbors, neighbors do not have "veto" power over projects. Ultimately, if the Commission believes that a design is consistent with the City's Design Review Guidelines and reasonable efforts have been made to successfully mitigate adverse impacts on neighboring properties, the project is approved. The Commission also advised that typically very large construction projects are seldom approved at the first hearing, given the complexity of issues involved and the design alternatives available pursuant to the City's Design Review Guidelines.

Variances:

- the City Attorney was requested to research the variance standards of other municipalities and state law;
- Revise the language of the Zoning Code's required "findings" for approving variances to incorporate the intent and flexibility reflected in the Legislative Intent Statement of Code Section 17.22.4(a);
- Propose amendments to enable minor features of an overall design, such as gutters, ornamental detailing, overhangs, trellises, etc. that impose no adverse impact on neighboring properties and which enhance the architectural quality and integrity of a design to be considered for "minor variances" which can receive an exception from the Zoning Code.

ADJOURNMENT

There being no further special session business, Mayor Barbieri adjourned the session at 7:00 p.m. announcing that the Council would now convene into Closed Session in the Conference Room at 120 Vista Avenue.

REGULAR SESSION

A Regular Session of the Piedmont City Council was held on October 18, 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 October 14, 2010.

CALL TO ORDER

Following a 7:00 p.m. Closed Session to review the performance of the Interim Police Chief held pursuant to Government Code Section 54597, Mayor Barbieri called the meeting to order at 7:40 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Dean Barbieri, Vice Mayor John Chiang and Councilmembers Margaret Fujioka, Garrett Keating and Jeff Wieler

Staff: City Administrator Geoff Grote, City Attorney Tom Curry, Fire Chief Edward Tubbs, Interim Police Chief John Hunt, Finance Director Mark Bichsel, Interim Public Works Director Chester Nakahara, Recreation Director Mark Delventhal, City Planner Kate Black, Assistant Planner Kevin Jackson, 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 amended Council meeting minutes of October 4, 2010

LAIF Report

Acknowledges receipt of the FY 09-10 4th Quarter Treasurer's Report regarding the Local Agency Investment Fund

Agreement

Approves a Memorandum of Understanding between the City and StopWaste.Org in support of the Retrofit Bay Area Program

Resolution 86-10

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

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: None

(0165; 0045)

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following items of regular business:

Crime Report

The Interim Police Chief submitted crime statistics for the first nine months of 2010, noting a 24.6% decrease over last year's levels for the same period. The Council congratulated the chief and his department for their efforts and encouraged residents to continue to participate in neighborhood watch programs and take advantage of crime prevention tips posted on the police department's website.

Housing Element

Mr. Barry Miller, the City's Housing Element Consultant, updated the Council on the status of the City's efforts to have its General Plan Housing Element Update certified by the California Department of Housing and Community Development (HCD). Mr. Miller referenced the state's latest letter, dated October 7, requesting several additional revisions to the Element and staff's proposed approach for addressing/satisfying the state's requests. He was confident that once HCD receives the requested revisions, it will issue a precertification letter to the City at which time the updated Element will then be submitted to the Council for adoption.

Public testimony was received from:

George Childs reiterated his previous belief that updating the Housing Element to comply with ever increasing demands from the state was a waste of City resources and of little value to Piedmont taxpayers and residents.

**Artuna Avenue
Parking District**

Prior to Council consideration of this issue, Councilmember Keating recused himself from discussion and action on this matter per the advice of the City Attorney. The City Attorney had recommended recusal, citing a potential conflict of interest because Councilmember Keating lives in close proximity to the existing and proposed boundaries of the Artuna Avenue Parking District. However, before leaving the chambers, Councilmember Keating voiced his disagreement with the City Attorney's conclusions and legal opinion, seeking clarification as to why the proposed parking district should be considered any differently or have any more impact on his property than repaving the street -- he would not be required to recuse himself from a decision regarding street repaving. The City Attorney responded that conflict of interest laws make a distinction between property and streets and cited two reasons for recommending Councilmember Keating's recusal under the regulations of the Fair Political Practices Commission: (1) there is a presumption of material effect on real property within 500 ft. of the boundaries of what is under consideration; and (2) within 300 ft., this effect is deemed distinguishable from that on the general public. It was acknowledged that Councilmember Keating has a right to speak to this issue as a resident of Piedmont. Councilmember Keating then left the chambers.

Per Council direction, the Interim Public Works Director submitted a report regarding the impacts of the Council's August 2 decision (Resolution 75-10) to expand the Artuna Avenue Preferential Parking District to include five additional properties directly adjacent to the level-in entrance to Dracena Park. The Interim Director reported that based on a neighborhood survey and field examinations by the City's Traffic Engineer (Moses Wilson of Wiltec) the expanded district has eased parking congestion for the five properties added in August but has increased congestion for seven properties directly adjacent to the newly expanded boundaries -- the anticipated spill-over effect has been realized. It was also noted that the August 2 expanded district did not result in park users

utilizing available street parking on the park border along El Cerrito Avenue. Park visitors still find it more desirable to park farther away along Ricardo Avenue than along El Cerrito because the steepness of El Cerrito makes it inconvenient/harder to walk with strollers and small children. Ricardo Avenue is flatter and even though it is a longer distance to travel, it is an easier walk to the park. The Interim Director also cited results of the resident survey and Wiltec's site examinations which indicated that not all residents support expanding the district's boundaries and that according to Wiltec the total parking occupancy in the area never exceeded 60%.

Correspondence was received from: Garrett Keating, Oct. 17

Public testimony was received from:

Garrett Keating disagreed with the validity of the survey and Wiltec findings, believing that (1) the parking congestion impacts on the Ricardo properties immediately adjacent to the current boundaries were underestimated because of the large scope of the surveyed area; and (2) his submitted photographs indicated a totally different, more congested parking pattern than that represented in Wiltec's report. He urged that the proposed expansion of the parking district's boundaries be approved tonight.

Bob Padway reiterated his August 2 comments that the severe parking congestion problem for the Ricardo neighborhood has been caused by the fact that Dracena Park is listed on multiple websites as a great family park -- this publicity has caused the park to become a regional, rather than neighborhood park and Ricardo Avenue residents are bearing the burden. He agreed that the August 2 district expansion has simply moved the congestion further down the street. As a consequence, he urged that the proposed expansion be extended to include the following additional Ricardo properties: 147 through 139 along the west side and 148 through 142 on the east. He emphasized that on beautiful weekends he can seldom park in front of his house at 147 Ricardo because of parking congestion.

The Council discussed the issue at length, acknowledging the spill-over effect each time district boundaries are extended, the highly popular nature of Dracena Park, the fact that City streets are public streets and concern that restricting parking to great a degree may discourage Piedmont residents from other parts of town from being able to conveniently enjoy this wonderful community asset. The Council acknowledged that there are no easy solutions to balance the rights of all Piedmonters to enjoy the park while providing parking relief to the immediately surrounding neighborhood. Councilmember Wieler suggested that consideration be given to the following options: (1) creating a Piedmont Resident Only parking zone; (2) converting Ricardo to a 1-way street to facilitate diagonal parking to increase capacity; and/or (3) construct parking spaces within the panhandle of the park.

During discussion, there was Council consensus for expanding the preferential parking district to include the seven properties currently proposed (153, 151, 156, 154, 150, 210 and 214 Ricardo).

Resolution 87-10

RESOLVED, that the City Council expands the Artuna Avenue Preferential Parking District to include the properties at 153, 151, 156, 154, 150, 210 and 214 Ricardo Avenue, with the following parking restrictions applying to these properties: weekdays, 4 p.m. to 9 p.m. and Saturday and Sunday, 10 a.m. to 6 p.m.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Wieler

Noes: None

Recused: Keating

(0735)

As a way to mitigate the spill-over impact of the district's expansion on the immediately adjacent properties outside of the expanded district, the Mayor supported offering one parking permit per household to the next three houses along both sides of the street (147, 143, 139 and 148, 144, 142 Ricardo Avenue). The Council was divided in support of this approach. Those opposed voicing concern: (1) over precedent since no other parking district currently issues permits to residents outside of district boundaries; and (2) diluting the value/benefit of being included the district. As an alternative, these Councilmembers preferred that the most adjacent properties, 147 and 148 Ricardo, be incorporated into the expanded district. Other Councilmembers preferred that the district not be officially expanded any further at this time, preferring to assess the impact of the current expansion before proceeding with more restricted parking.

Resolution 88-10

RESOLVED, that the City Council expands the Artuna Avenue Preferential Parking District to include the properties at 147 and 148 Ricardo Avenue.

Moved by Fujioka, Seconded by Chiang

Ayes: Chiang, Fujioka

Noes: Barbieri, Wieler

Recused: Keating

MOTION FAILED

Resolution 89-10

RESOLVED, that the City Council directs that Artuna Avenue Preferential Parking Permits be offered on a one per household basis to 147 and 148 Ricardo Avenue.

Moved by Wieler, Seconded by Barbieri

Ayes: Barbieri, Wieler

Noes: Chiang, Fujioka
Recused: Keating

MOTION FAILED

Budget Report

The Finance Director reported on the status of the FY 09-10 budget and first quarter budgetary trends for FY 10-11. The Council discussed both issues at length with the various department heads, requesting the following title changes in the upcoming mid-year budget report documentation:

- CIP category "Spend" be renamed *Encumbered*
- Moraga Canyon Sports Field Projects Funding Category "City (Blair)" be renamed *City*

The Council also requested that a Closed Session discussion of Fire Department overtime/litigation be scheduled for a future meeting and that the mid-year budget report include a comprehensive analysis of issues related to library service, including the contract with the City of Oakland, service access and alternative options.

Public testimony was received from:

George Childs inquired as to the amount of City money expended on the environmental impact report prepared in connection with the proposed Blair Park Sports Field Project. The City Administrator responded that the \$90,701 in City funds expended for the EIR covered both the Coaches Playfield Turf & Lighting Project and the Blair Park Sports Field Project. For cost and time efficiency reasons, these two projects were combined into one environmental analysis.

Councilmember Fujioka requested that at future meetings, consideration of budget issues be scheduled earlier on the agenda.

FUTURE AGENDA ITEMS

Employee Compensation -- Councilmember Keating requested staff at a future meeting to provide a comprehensive briefing regarding salary comparison methodology and pension reform.

Police Department Training -- as a follow-up to the Council's October 4 meeting, staff is preparing a report regarding police training. Said report is tentatively scheduled to be considered by the Council on December 6.

ANNOUNCEMENTS

Paratransit Advisory Committee -- The Vice Mayor encouraged residents interested in representing Piedmont on the Alameda County Transportation Commissions' Paratransit Advisory Planning Committee to contact him for more information. The Vice Mayor also requested staff to provide information regarding this appointment at City Hall and on the City's website.

Public Safety Committee -- next meeting is Thursday, October 28 at 5:30 p.m.
The public is invited to attend.

CONNECT -- next meeting is Thursday, October 21 at 7:00 p.m. The public is
invited to attend.

ADJOURNMENT

There being no further business, Mayor Barbieri adjourned the meeting at 10:55
p.m.