

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, September 7, 2010

A Regular Session of the Piedmont City Council was held September 7, 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 September 2, 2010.

CALL TO ORDER

Following a 7:00 p.m. Closed Session regarding pending litigation in the matter of U.S. v. City of Alameda, et. al., held pursuant to Government Code Section 54956(a), Vice Mayor Chiang called the meeting to order at 7:40 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Absent: Mayor Dean Barbieri

Staff: City Administrator Geoff Grote, Acting City Attorney Michelle Kenyon, Fire Chief Edward Tubbs, Interim Public Works Director Chester Nakahara, City Planner Kate Black, Planning Technician Sylvia Toruno, Interim City Clerk John Tulloch and Recording Secretary Chris Harbert

CONSENT CALENDAR

There was no consent calendar.

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following items of regular business:

Minutes

The Council acknowledged receipt of a letter from Sandra Pohutsky requesting certain amendments to the Council's August 2 meeting minutes summary of her remarks regarding the Moraga Canyon Sports Fields Project Draft Environmental Impact Report. The Council agreed that the minutes as drafted adequately reflected Ms. Pohutsky's testimony.

Resolution 77-10

RESOLVED, that the City Council approves as submitted its meeting minutes of August 2, 2010.

Moved by Fujioka, Seconded by Wieler

Ayes: Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: Barbieri

Agreement

The City Administrator requested Council approval of a successor name change in the City's legal services agreement with City Attorney Thomas Curry. When retained by the City in July, Mr. Curry was with the firm of McDonough, Holland and Allen and a one-year agreement with this firm was approved by the Council. However, this firm has ceased operations and Mr. Curry is now with

the firm of Burke Williams and Sorenson, LLP. A new legal agreement with Burke, Williams and Sorenson, LLP has been drafted, matching the language and costs of the previously approved agreement with McDonough, Holland and Allen. In addition, the City Administrator stated that Mr. Curry is undergoing medical treatment that requires him to temporarily step aside as City Attorney. In the interim, the Administrator recommended that Ms. Michelle Marchetta Kenyon of Burke, Williams and Sorenson be appointed as Acting City Attorney pending Mr. Curry's return. In response to a question from Councilmember Fujioka, the City Administrator reaffirmed and clarified that under Section 1 of the proposed agreement with Burke, Williams and Sorenson, LLP., the City Administrator would consult with the City Council prior to any decision to retain separate outside counsel.

Resolution 78-10

RESOLVED, that the City Council approves the successor name change in the City's legal services agreement from McDonough, Holland and Allen to Burke, Williams and Sorensen LLP and appoints Michelle Marchetta Kenyon as Acting City Attorney.

Moved by Fujioka, Seconded by Wieler

Ayes: Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: Barbieri

(0045)

Appropriation

The Planning Technician recommended Council approval of a \$1,541 payment to the Alameda County Housing and Community Development Department reflecting Piedmont's share of the cost to fund a federally-mandated Homeless Management Information System to be administered by Alameda County's EveryOne Home: Homeless Continuum of Care Council. All other cities within Alameda County have funded their share of the pro-rated services cost. Piedmont has funded its pro-rated share at the same payment level since 2005.

Resolution 79-10

RESOLVED, that the City Council directs staff to prepare a letter to the Director of the Alameda County Housing and Community Development Department approving a payment of \$1,541 as the City's share to fund a federally-mandated Homeless Management Information System administered by Alameda County's EveryOne Home: Homeless Continuum of Care Council.

Moved by Keating, Seconded by Fujioka

Ayes: Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: Barbieri

(0088)

**Housing Element
Update**

Mr. Barry Miller, the City's General Plan Consultant, narrated a PowerPoint overview of the City's Draft Housing Element Update, summarizing the process of the draft's preparation as well as highlighting its contents and organization. The City's General Plan Housing Element was last updated in 2002. Mr. Miller noted that the Planning Commission held five work sessions and two public

hearings on the Housing Element update, recommending on August 9 that the City Council adopt the updated draft. Mr. Miller requested that the Council hold a public hearing tonight on the updated draft and consider approving the Housing Element once the State Department of Housing and Community Development has concluded its second preliminary review of the draft and any subsequent revisions have been incorporated into the draft. The Vice Mayor opened the public hearing on the draft.

Public testimony was received from:

George Childs questioned the expenditure of City time and money in preparing a draft which he felt had dubious value.

George Kersh inquired as to the cost of the Housing Element update process. He also questioned the accuracy of information contained in the Element related to the number of homeless and very low-income people living in Piedmont.

In response, the City Administrator stated that it is estimated that the final cost of the Housing Element update process will be between \$15,000 and \$16,000. The City Administrator and City Planner emphasized the benefits to the City from conducting the update process as well as having a state-certified housing element. Mr. Miller stated that the number of potential homeless people in Piedmont was based on a Alameda County calculated formula rather than an actual field count and the City has advised the state of its disagreement with the assigned number. However, Mr. Miller added that there are very low income people residing in Piedmont. These residents are mostly long time senior citizens living on fixed incomes.

The Council discussed the information, findings and recommendations contained in the Draft, including how the Draft will affect the proposed redevelopment of PG&E substation property at 408 Linda Avenue, issues related to rent-restricted second units and proposed changes to the City's zoning code and design review guidelines which will be necessitated by the Housing Element's policies, goals and action programs. Individual Councilmembers noted their intent to provide additional comments, revisions and questions in writing to Mr. Miller prior to the Council's next consideration of the Draft.

Ordinance

The Interim Public Works Director recommended first reading approval of Ordinance 694 N.S. amending Chapter 30 of the City Code to comply with new storm water management and discharge control requirements by the Alameda County Clean Water Program. He noted that the changes to the code reflect current City storm water practices and provide the City with more enforcement power to require compliance. In addition to the staff proposed code changes, the Interim Director noted additional language changes to the ordinance requested by Mr. Gary Grimm, Alameda County Clean Water Program Legal Counsel. The Interim Director stated that these additional, minor revisions from Mr. Grimm are acceptable to staff and the Acting City Attorney. Councilmember Fujioka agreed to provide additional grammatical corrections to staff prior to second reading consideration.

Resolution 80-10

RESOLVED, that the City Council introduces and waives first reading approval of Ordinance 694 N.S. as amended by staff and Mr. Gary Grimm.

Moved by Wieler, Seconded by Fujioka

Ayes: Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: Barbieri

(0705)

ANNOUNCEMENTS

Public Safety Committee -- next meeting will be Thursday, September 23 at 5:30 p.m. Councilmember Fujioka relayed the Committee's request that it be granted a time extension for submittal of its first quarterly report. The Committee has requested that its September deadline be extended to October.

Energy Forum -- an energy forum sponsored by CONNECT and the Piedmont League of Women Voters will be held on September 16. Staff was requested to include information regarding this forum on the City's website.

Police Incident -- Council discussion of a March 11, 2010, incident involving a police stop of two African-American Piedmont High School students has been rescheduled, since it conflicts with the School District's Back to School Night, to the City Council's October 4 meeting.

Harvest Festival -- will be held Sunday, September 26. The public is encouraged to participate and/or attend this very popular community event.

ADJOURNMENT

There being no further business, Vice Mayor Chiang adjourned the meeting at 9:20 p.m.