

## PIEDMONT CITY COUNCIL

### Regular Meeting Minutes for Tuesday, January 18, 2011

A Regular Session of the Piedmont City Council was held January 18, 2011, 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 13, 2011.

**CALL TO ORDER** Following a 6:30 p.m. Closed Session regarding the lease of City property at 777 Magnolia Avenue, pending litigation in the matter of U.S. v City of Alameda, et al. and labor negotiations for all units, held pursuant to Government Code Sections 54956.8, 54956(a) and 54957.6, respectively, Mayor Barbieri called the meeting to order at 7:30 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, Police Chief John Hunt, Police Captain Scott Wyatt, Fire Chief Edward Tubbs, Interim Public Works Director Chester Nakahara, Interim City Clerk John Tulloch and Recording Secretary Chris Harbert

**STATEMENT** Mayor Barbieri, at the request of Councilmember Jeff Wieler who because of illness was unable to attend tonight's meeting, read a statement from Councilmember Wieler apologizing for using inappropriate analogies in his *Piedmont Post* column dated January 12, emphasizing that his comments regarding opponents of the proposed Blair Park sports field development reflected his personal opinion, not that of the City Council, and stating that a more comprehensive apology will appear in the *Post's* next edition.

**CONSENT CALENDAR** The following items were considered under one vote by the Council:

**Minutes** Approves as submitted Council meeting minutes of January 3, 2011

**Appropriation** Accepts \$31,358.22 in Citizens Option for Public Safety (COPS) funding and appropriates \$18,814.93 to the police department's overtime account and \$12,543.29 to the police department's equipment account

#### **Resolution 4-11**

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

Moved by Fujioka, Seconded by Chiang

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Wieler

(0088)

*(Note: Councilmember Fujioka abstained from the vote approving the January 3, 2011, Council minutes)*

**PUBLIC FORUM**

Tam Hege, President of the Piedmont League of Women Voters, referenced the City's library services contract with the City of Oakland in reiterating the League's long-standing support for the availability of free, publicly supported library services for all Piedmont residents. The league believes that Piedmont library services should be equal to those provided by a major library system and that the City of Piedmont should pay its fair share for quality library service. Mrs. Hege stated that this has been the league's position since 1995 and it remains unchanged today. In referencing Councilmember Wieler's January 12 column, Mrs. Hege read a statement from Elizabeth McNamara, President of the National League of Women Voters, voicing concern over the potential impact the recent Tucson shooting of Arizona Congresswoman Gabrielle Giffords at a constituent gathering could have on civil discourse and the open exchange of points of view between voters and their elected officials.

Steve Sidney, who came in after Mayor Barbieri had read Councilmember Wieler's statement, read a letter on behalf of himself and five other residents strongly objecting to the tone, incendiary language and the mischaracterization of political discourse and activities contained in Councilmember Wieler's January 12 column. He felt that Councilmember Wieler owed the community a retraction and apology for equating opponents to the Blair Sports Project with terrorists.

**REGULAR CALENDAR**

The Council considered the following items of regular business:

**Ordinance**

The Council considered second reading approval of Ordinance 696 N.S. amending Chapters 5 and 8 of the City Code adopting the 2010 California Building and Fire Codes. First reading approval was made on January 3, 2011. Councilmember Fujioka requested that the footnote for Chapter 8 be correctly numbered.

**Resolution 5-11**

RESOLVED, that the City Council adopts the second reading of Ordinance 696 N.S. amending Chapters 5 and 8 of the Municipal Code adopting 2010 California Code of Regulations, Title 24, including the California Administrative, Building, Residential, Mechanical, Plumbing, Electrical, Energy, Fire, Green Building Standards and Reference Standards Code, as amended to correctly number footnotes.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Wieler

(0705)

**Agreement**

The Police Chief recommended Council approval of a 3-year contract renewal with the City of Berkeley for animal shelter services. He stated that the City of Berkeley failed to notify Piedmont before the police department's FY 10-11 budget was approved that the cost of this new 3-year agreement would reflect a significant increase over the previous agreement. Given that the department's approved FY 10-11 budget does not include funding to cover this fee increase, the City of Berkeley has agreed that there will be no fee increase for the remainder of 2010 and it would prorate the fee increase for the first 6 months of 2011. The full amount of the new fee rate would begin in July 2011. This postponement until the FY 11-12 budget process will enable the City to address this fee increase when it renegotiates its annual animal services contract with the City of Emeryville for FY 11-12. At the Chief's request, Captain Wyatt reported on his research of several other animal shelters to ascertain if Piedmont could contract with another shelter for services at a lower rate than that offered by Berkeley. However, no other shelter agency was willing nor able to provide the necessary level of service provided by the Berkeley Animal Shelter. Therefore, staff believes that continuing the animal shelter services contract with the City of Berkeley is in the best interests of Piedmont.

The Vice Mayor requested that based on the service costs contained in the proposed agreement, the payment amount indicated in Section 2 PAYMENT should read "not to exceed \$99,587.00" rather than \$99,588.00.

**Resolution 6-11**

RESOLVED, that the City Council approves a 3-year agreement with the City of Berkeley for animal shelter services in the amount of \$26,919 for FY 10-11 and \$36,334 per year for FY 11-12 and FY 12-13.

Moved by Chiang, Seconded by Fujioka

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Wieler

(0045)

**Crime Statistics**

The Police Chief submitted Piedmont's crime statistics for 2010, noting a 13% decrease in major offenses from 2009 levels. The Council requested that in the future, in addition to the submittal of quarterly crime statistics reports, the crime statistics be broken-out by reporting districts bi-annually.

**Police Follow-up**

Per Council direction of October 4, 2010, the Police Chief reported on his responses to requests for information concerning the following three issues:

1. The options and costs for additional or different diversity training programs for police officers. A 2-day training seminar has been scheduled for March 7-8, 2011, entitled *Fair and Impartial Policing: Developing a science-based, comprehensive agency program to promote bias-free policing.* This training session will be under the direction of Dr. Lorie Fridell. The seminar is limited to 30 attendees at

Dr. Fridell's request. Fifteen Piedmont police personnel will attend as well as representatives from City staff and Council, the Piedmont School District, the City's Appreciating Diversity Committee and Piedmont League of Women Voters. The Council encouraged staff to also invite a representative from the Public Safety Committee as well as from the general public, unaffiliated with any particular group or organization, to attend. The Council also requested the Chief to submit a follow-up report on the results of training session.

2. The policy and procedures other municipalities employ to deal with situations wherein police respond to calls that turn out to be inaccurate or racially biased. Based upon the review of other municipalities' police policies, it was determined that Piedmont's current policies are comparable. However, language from the department's current Policy 402.1 (Racial/Biased Based Profiling) will be incorporated into six other police policies to serve as "a reminder" to the department's police officers.
3. Prepare a series of articles outlying police policies and procedures related to situations like which occurred on March 11, 2010. The first of several articles was provided on November 29, 2010, to the *Piedmont Post*, *The Piedmonter*, *Piedmont Patch.com* and the City's website detailing how officers may react when they encounter different situations when responding to calls for service. Prior to publication, this November 29 article was reviewed for comment by the Piedmont Appreciating Diversity Committee. Future articles will focus on police interactions at traffic stops, crime scenes and general police services to the community.

**Public testimony** was received from:

George Kersh suggested that the cost of Dr. Fridell's 2-day seminar be funded from Citizens Option for Public Safety (COPS) funding and not the City's General Fund. He also requested a seminar registration form.

Cheryl Mitchell Wade commended the Chief for his follow-up responses to the October 4, 2010, Council discussion of the March 11 police stop of her son based on an anonymous call reporting suspicious activity being committed by two African-American male juveniles. She supported the suggestion that members of the general public not affiliated with established groups be encouraged to attend Dr. Fridell's seminar and that a follow-up staff report summarizing the outcome of the seminar be made available to the public.

Councilmember Keating reiterated his request that the charge of the City's Public Safety Committee be expanded to explore the issue of bias within the community and how it affects the City's community policing program.

Councilmember Fujioka agreed to relay this suggestion to the Public Safety Committee at its next meeting.

**Ordinance**

The Interim Public Works Director recommended first reading approval of Ordinance 697 N.S. revising Chapter 17A of the Municipal Code to adopt the East Bay Municipal Utility District's Regional Private Service Lateral Ordinance 311. The EBMUD ordinance is a Environmental Protection Agency mandated ordinance applicable to all municipalities EBMUD serves. The Interim Director noted that the City's Chapter 17 A was last revised in 1986 and needs updating in addition to incorporating the new provisions of PSL Ordinance 311. The Interim Director highlighted the major provisions of the PSL ordinance which requires individual property owners to inspect, repair, replace and test their sewer laterals if specific "triggering events" occur.

**Public testimony** was received from:

Katy Foulkes, former Piedmont Mayor and current EBMUD Board of Director, emphasized that the Environmental Protection Agency is requiring homeowners to repair/replace damaged sewer laterals as a means of protecting the water quality of the San Francisco Bay.

Ben Hornstein, EBMUD Environmental Services Manager, stressed that private sewer lateral failures are a wide-spread and serious problem in the bay area.

George Childs had a series of questions regarding sewer lateral related problems and details as well as specific provisions of the proposed ordinance. These questions were answered by the Interim Director.

George Kersh felt that the new ordinance will prove expensive to residents.

The Vice Mayor requested that maps indicating the sewer sub-basins wherein the City's sewer mains are either currently being upgraded or scheduled for upgrade be posted on the City's website. Homeowners in these areas can then consider whether to test their laterals to determine if their private sewer lines need repair/replacement and, if so, take advantage of the cost savings available by combining their repairs with on-going sewer work on their street. Councilmember Keating requested staff to provide City related sewer repair cost projections during the Council's next quarterly budget review report.

**Resolution 7-11**

RESOLVED, that the City Council approves the first reading of Ordinance 697 N.S. amending Chapter 17A of the Piedmont Municipal code and adopting the East Bay Municipal Utility District Regional Private Lateral Ordinance 311, Title VIII.

Moved by Fujioka, Seconded by Chiang

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Wieler  
(0705)

**ANNOUNCEMENTS**

Dr. Martin Luther King, Jr. -- The Council thanked event organizer Lois Corrin, community sponsors and volunteers for arranging the City's 14th annual celebration of the birthday of Dr. Martin Luther King, Jr. on January 17. The event was well-attended and a wonderful recognition of Dr. King's legacy.

Public Safety Committee -- next meeting is Thursday, January 27 at 5:30 p.m.. The public is invited to attend.

Moraga Canyon Sports Fields Projects -- the Recreation Commission will hold a public hearing and review of the proposed Moraga Canyon Sports Fields Projects on Wednesday, January 19 at 7:30 p.m. The public is invited to attend.

Best Wishes -- the Mayor wished Councilmember Wieler a speedy recovery.

**ADJOURNMENT**

There being no further business, Mayor Barbieri adjourned the meeting at 9:25 p.m.